

# HB5561



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5561

by Rep. Allen Skillicorn

### SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to eliminate the changes made by Public Acts 101-30, 101-31, and 101-32. Makes other changes. Effective immediately.

LRB101 17547 JWD 66965 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Article 5.

5 Section 5-1. "An Act concerning finance", approved June 28,  
6 2019, Public Act 101-30, is amended by repealing Section 1.

7 (30 ILCS 105/5.891 rep.)

8 (30 ILCS 105/5.893 rep.)

9 (30 ILCS 105/5.894 rep.)

10 (30 ILCS 105/5.895 rep.)

11 (30 ILCS 105/5.896 rep.)

12 (30 ILCS 105/6z-108 rep.)

13 (30 ILCS 105/6z-109 rep.)

14 (30 ILCS 105/6z-110 rep.)

15 (30 ILCS 105/6z-111 rep.)

16 Section 5-2. The State Finance Act is amended by repealing  
17 Sections 5.891, 5.893, 5.894, 5.895, 5.896, 6z-108, 6z-109,  
18 6z-110, and 6z-111, all as added by Public Act 101-30.

19 Section 5-5. The State Finance Act is amended by changing  
20 Section 6z-78 as follows:

1 (30 ILCS 105/6z-78)

2 Sec. 6z-78. Capital Projects Fund; bonded indebtedness;  
3 transfers. Money in the Capital Projects Fund shall, if and  
4 when the State of Illinois incurs any bonded indebtedness using  
5 the bond authorizations ~~for capital projects~~ enacted in Public  
6 Act 96-36, Public Act 96-1554, Public Act 97-771, ~~Public Act~~  
7 ~~98-94, and using the general obligation bond authorizations for~~  
8 ~~capital projects enacted in Public Act 101-30,~~ be set aside and  
9 used for the purpose of paying and discharging annually the  
10 principal and interest on that bonded indebtedness then due and  
11 payable.

12 In addition to other transfers to the General Obligation  
13 Bond Retirement and Interest Fund made pursuant to Section 15  
14 of the General Obligation Bond Act, upon each delivery of  
15 general obligation bonds ~~for capital projects~~ using bond  
16 authorizations enacted in Public Act 96-36, Public Act 96-1554,  
17 Public Act 97-771, ~~Public Act 98-94,~~ and Public Act 101-30  
18 ~~(except for amounts in Public Act 101-30 that increase bond~~  
19 ~~authorization under paragraph (1) of subsection (a) of Section~~  
20 ~~4 and subsection (c) of Section 4 of the General Obligation~~  
21 ~~Bond Act),~~ the State Comptroller shall compute and certify to  
22 the State Treasurer the total amount of principal of, interest  
23 on, and premium, if any, on such bonds during the then current  
24 and each succeeding fiscal year. With respect to the interest  
25 payable on variable rate bonds, such certifications shall be  
26 calculated at the maximum rate of interest that may be payable

1 during the fiscal year, after taking into account any credits  
2 permitted in the related indenture or other instrument against  
3 the amount of such interest required to be appropriated for the  
4 period.

5 (a) Except as provided for in subsection (b), on or before  
6 the last day of each month, the State Treasurer and State  
7 Comptroller shall transfer from the Capital Projects Fund to  
8 the General Obligation Bond Retirement and Interest Fund an  
9 amount sufficient to pay the aggregate of the principal of,  
10 interest on, and premium, if any, on the bonds payable on their  
11 next payment date, divided by the number of monthly transfers  
12 occurring between the last previous payment date (or the  
13 delivery date if no payment date has yet occurred) and the next  
14 succeeding payment date. Interest payable on variable rate  
15 bonds shall be calculated at the maximum rate of interest that  
16 may be payable for the relevant period, after taking into  
17 account any credits permitted in the related indenture or other  
18 instrument against the amount of such interest required to be  
19 appropriated for that period. Interest for which moneys have  
20 already been deposited into the capitalized interest account  
21 within the General Obligation Bond Retirement and Interest Fund  
22 shall not be included in the calculation of the amounts to be  
23 transferred under this subsection.

24 (b) On or before the last day of each month, the State  
25 Treasurer and State Comptroller shall transfer from the Capital  
26 Projects Fund to the General Obligation Bond Retirement and

1 Interest Fund an amount sufficient to pay the aggregate of the  
2 principal of, interest on, and premium, if any, on the bonds  
3 issued prior to January 1, 2012 pursuant to Section 4(d) of the  
4 General Obligation Bond Act payable on their next payment date,  
5 divided by the number of monthly transfers occurring between  
6 the last previous payment date (or the delivery date if no  
7 payment date has yet occurred) and the next succeeding payment  
8 date. If the available balance in the Capital Projects Fund is  
9 not sufficient for the transfer required in this subsection,  
10 the State Treasurer and State Comptroller shall transfer the  
11 difference from the Road Fund to the General Obligation Bond  
12 Retirement and Interest Fund; except that such Road Fund  
13 transfers shall constitute a debt of the Capital Projects Fund  
14 which shall be repaid according to subsection (c). Interest  
15 payable on variable rate bonds shall be calculated at the  
16 maximum rate of interest that may be payable for the relevant  
17 period, after taking into account any credits permitted in the  
18 related indenture or other instrument against the amount of  
19 such interest required to be appropriated for that period.  
20 Interest for which moneys have already been deposited into the  
21 capitalized interest account within the General Obligation  
22 Bond Retirement and Interest Fund shall not be included in the  
23 calculation of the amounts to be transferred under this  
24 subsection.

25 (c) On the first day of any month when the Capital Projects  
26 Fund is carrying a debt to the Road Fund due to the provisions

1 of subsection (b), the State Treasurer and State Comptroller  
2 shall transfer from the Capital Projects Fund to the Road Fund  
3 an amount sufficient to discharge that debt. These transfers to  
4 the Road Fund shall continue until the Capital Projects Fund  
5 has repaid to the Road Fund all transfers made from the Road  
6 Fund pursuant to subsection (b). Notwithstanding any other law  
7 to the contrary, transfers to the Road Fund from the Capital  
8 Projects Fund shall be made prior to any other expenditures or  
9 transfers out of the Capital Projects Fund.

10 (Source: P.A. 101-30, eff. 6-28-19; 101-604, eff. 12-13-19.)

11 Section 5-10. The General Obligation Bond Act is amended by  
12 changing Sections 2, 2.5, 3, 4, 5, 6, 7.6, 9, 11, 12, 15, and 19  
13 as follows:

14 (30 ILCS 330/2) (from Ch. 127, par. 652)

15 Sec. 2. Authorization for Bonds. The State of Illinois is  
16 authorized to issue, sell and provide for the retirement of  
17 General Obligation Bonds of the State of Illinois for the  
18 categories and specific purposes expressed in Sections 2  
19 through 8 of this Act, in the total amount of ~~\$78,256,839,969~~  
20 \$57,717,925,743.

21 The bonds authorized in this Section 2 and in Section 16 of  
22 this Act are herein called "Bonds".

23 Of the total amount of Bonds authorized in this Act, up to  
24 \$2,200,000,000 in aggregate original principal amount may be

1 issued and sold in accordance with the Baccalaureate Savings  
2 Act in the form of General Obligation College Savings Bonds.

3 Of the total amount of Bonds authorized in this Act, up to  
4 \$300,000,000 in aggregate original principal amount may be  
5 issued and sold in accordance with the Retirement Savings Act  
6 in the form of General Obligation Retirement Savings Bonds.

7 Of the total amount of Bonds authorized in this Act, the  
8 additional \$10,000,000,000 authorized by Public Act 93-2, the  
9 \$3,466,000,000 authorized by Public Act 96-43, and the  
10 \$4,096,348,300 authorized by Public Act 96-1497 shall be used  
11 solely as provided in Section 7.2.

12 Of the total amount of Bonds authorized in this Act, the  
13 additional \$6,000,000,000 authorized by ~~Public Act 100-23~~ this  
14 amendatory Act of the 100th General Assembly shall be used  
15 solely as provided in Section 7.6 and shall be issued by  
16 December 31, 2017.

17 Of the total amount of Bonds authorized in this Act,  
18 \$1,000,000,000 of the additional amount authorized by ~~Public~~  
19 ~~Act 100-587~~ this amendatory Act of the 100th General Assembly  
20 shall be used solely as provided in Section 7.7.

21 The issuance and sale of Bonds pursuant to the General  
22 Obligation Bond Act is an economical and efficient method of  
23 financing the long-term capital needs of the State. This Act  
24 will permit the issuance of a multi-purpose General Obligation  
25 Bond with uniform terms and features. This will not only lower  
26 the cost of registration but also reduce the overall cost of

1 issuing debt by improving the marketability of Illinois General  
2 Obligation Bonds.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
4 101-30, eff. 6-28-19.)

5 (30 ILCS 330/2.5)

6 Sec. 2.5. Limitation on issuance of Bonds.

7 (a) Except as provided in subsection (b), no Bonds may be  
8 issued if, after the issuance, in the next State fiscal year  
9 after the issuance of the Bonds, the amount of debt service  
10 (including principal, whether payable at maturity or pursuant  
11 to mandatory sinking fund installments, and interest) on all  
12 then-outstanding Bonds, other than (i) Bonds authorized by  
13 Public Act 100-23, (ii) Bonds issued by Public Act 96-43, (iii)  
14 Bonds authorized by Public Act 96-1497, and (iv) Bonds  
15 authorized by ~~Public Act 100-587~~ this amendatory Act of the  
16 100th General Assembly, would exceed 7% of the aggregate  
17 appropriations from the general funds, ~~the State Construction~~  
18 ~~Account Fund,~~ (which consist of the General Revenue Fund, the  
19 Common School Fund, the General Revenue Common School Special  
20 Account Fund, and the Education Assistance Fund) and the Road  
21 Fund for the fiscal year immediately prior to the fiscal year  
22 of the issuance. ~~For the purposes of this subsection (a),~~  
23 ~~"general funds" has the same meaning as ascribed to that term~~  
24 ~~under Section 50-40 of the State Budget Law of the Civil~~  
25 ~~Administrative Code of Illinois.~~



1 (b) If the Comptroller and Treasurer each consent in  
2 writing, Bonds may be issued even if the issuance does not  
3 comply with subsection (a). In addition, \$2,000,000,000 in  
4 Bonds for the purposes set forth in Sections 3, 4, 5, 6, and 7,  
5 and \$2,000,000,000 in Refunding Bonds under Section 16, may be  
6 issued during State fiscal year 2017 without complying with  
7 subsection (a). In addition, \$2,000,000,000 in Bonds for the  
8 purposes set forth in Sections 3, 4, 5, 6, and 7, and  
9 \$2,000,000,000 in Refunding Bonds under Section 16, may be  
10 issued during State fiscal year 2018 without complying with  
11 subsection (a).

12 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
13 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
14 7-6-17; 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 101-30,  
15 eff. 6-28-19.)

16 (30 ILCS 330/3) (from Ch. 127, par. 653)

17 Sec. 3. Capital facilities. The amount of ~~\$18,580,011,269~~  
18 \$10,538,963,443 is authorized to be used for the acquisition,  
19 development, construction, reconstruction, improvement,  
20 financing, architectural planning and installation of capital  
21 facilities within the State, consisting of buildings,  
22 structures, durable equipment, land, interests in land, and the  
23 costs associated with the purchase and implementation of  
24 information technology, including but not limited to the  
25 purchase of hardware and software, for the following specific

1 purposes:

2 (a) ~~\$6,268,676,500~~ \$3,433,228,000 for educational  
3 purposes by State universities and ~~public community~~  
4 colleges, the Illinois Community College Board created by  
5 the Public Community College Act and for grants to public  
6 community colleges as authorized by Sections 5-11 and 5-12  
7 of the Public Community College Act;

8 (b) ~~\$1,690,506,300~~ \$1,648,420,000 for correctional  
9 purposes at State prison and correctional centers;

10 (c) ~~\$688,492,300~~ \$599,183,000 for open spaces,  
11 recreational and conservation purposes and the protection  
12 of land, ~~including expenditures and grants for the Illinois~~  
13 ~~Conservation Reserve Enhancement Program and for ecosystem~~  
14 ~~restoration and for plugging of abandoned wells;~~

15 (d) ~~\$1,078,503,900~~ \$764,317,000 for ~~State~~ child care  
16 facilities, mental and public health facilities, and  
17 facilities for the care of veterans with disabilities and  
18 their spouses, ~~and for grants to public and private~~  
19 ~~community health centers, hospitals, and other health care~~  
20 ~~providers for capital facilities;~~

21 (e) ~~\$7,518,753,300~~ \$2,884,790,000 for use by the  
22 State, its departments, authorities, public corporations,  
23 commissions and agencies, ~~including renewable energy~~  
24 ~~upgrades at State facilities;~~

25 (f) \$818,100 for cargo handling facilities at port  
26 districts and for breakwaters, including harbor entrances,

1 at port districts in conjunction with facilities for small  
2 boats and pleasure crafts;

3 (g) ~~\$375,457,000~~ \$297,177,074 for water resource  
4 management projects, ~~including flood mitigation and State~~  
5 ~~dam and waterway projects;~~

6 (h) \$16,940,269 for the provision of facilities for  
7 food production research and related instructional and  
8 public service activities at the State universities and  
9 public community colleges;

10 (i) ~~\$75,134,700~~ \$36,000,000 for grants by the  
11 Secretary of State, as State Librarian, for central library  
12 facilities authorized by Section 8 of the Illinois Library  
13 System Act and for grants by the Capital Development Board  
14 to units of local government for public library facilities;

15 (j) \$25,000,000 for the acquisition, development,  
16 construction, reconstruction, improvement, financing,  
17 architectural planning and installation of capital  
18 facilities consisting of buildings, structures, durable  
19 equipment and land for grants to counties, municipalities  
20 or public building commissions with correctional  
21 facilities that do not comply with the minimum standards of  
22 the Department of Corrections under Section 3-15-2 of the  
23 Unified Code of Corrections;

24 (k) ~~\$5,011,600~~ \$5,000,000 for grants in fiscal year  
25 1988 by the Department of Conservation for improvement or  
26 expansion of aquarium facilities located on property owned

1 by a park district;

2 (l) \$599,590,000 to State agencies for grants to local  
3 governments for the acquisition, financing, architectural  
4 planning, development, alteration, installation, and  
5 construction of capital facilities consisting of  
6 buildings, structures, durable equipment, and land; and

7 (m) ~~\$237,127,300~~ \$228,500,000 for the Illinois Open  
8 Land Trust Program as defined by the Illinois Open Land  
9 Trust Act.

10 The amounts authorized above for capital facilities may be  
11 used for the acquisition, installation, alteration,  
12 construction, or reconstruction of capital facilities and for  
13 the purchase of equipment for the purpose of major capital  
14 improvements which will reduce energy consumption in State  
15 buildings or facilities.

16 (Source: P.A. 99-143, eff. 7-27-15; 100-587, eff. 6-4-18;  
17 101-30, eff. 6-28-19.)

18 (30 ILCS 330/4) (from Ch. 127, par. 654)

19 Sec. 4. Transportation. The amount of ~~\$27,048,062,400~~  
20 \$15,948,199,000 is authorized for use by the Department of  
21 Transportation for the specific purpose of promoting and  
22 assuring rapid, efficient, and safe highway, air and mass  
23 transportation for the inhabitants of the State by providing  
24 monies, including the making of grants and loans, for the  
25 acquisition, construction, reconstruction, extension and

1 improvement of the following transportation facilities and  
2 equipment, and for the acquisition of real property and  
3 interests in real property required or expected to be required  
4 in connection therewith as follows:

5 (a) ~~\$11,921,354,200~~ \$5,432,129,000 for State highways,  
6 arterial highways, freeways, roads, bridges, structures  
7 separating highways and railroads and roads, and bridges on  
8 roads maintained by counties, municipalities, townships, or  
9 road districts, ~~and grants to counties, municipalities,~~  
10 ~~townships, or road districts for planning, engineering,~~  
11 ~~acquisition, construction, reconstruction, development,~~  
12 ~~improvement, extension, and all construction-related expenses~~  
13 ~~of the public infrastructure and other transportation~~  
14 ~~improvement projects~~ for the following specific purposes:

- 15 (1) ~~\$9,819,221,200~~ \$3,330,000,000 for use statewide,  
16 (2) \$3,677,000 for use outside the Chicago urbanized  
17 area,  
18 (3) \$7,543,000 for use within the Chicago urbanized  
19 area,  
20 (4) \$13,060,600 for use within the City of Chicago,  
21 (5) ~~\$58,991,500~~ \$58,987,500 for use within the  
22 counties of Cook, DuPage, Kane, Lake, McHenry and Will,  
23 (6) \$18,860,900 for use outside the counties of Cook,  
24 DuPage, Kane, Lake, McHenry and Will, and  
25 (7) \$2,000,000,000 for use on projects included in  
26 either (i) the FY09-14 Proposed Highway Improvement

1 Program as published by the Illinois Department of  
2 Transportation in May 2008 or (ii) the FY10-15 Proposed  
3 Highway Improvement Program to be published by the Illinois  
4 Department of Transportation in the spring of 2009; except  
5 that all projects must be maintenance projects for the  
6 existing State system with the goal of reaching 90%  
7 acceptable condition in the system statewide and further  
8 except that all projects must reflect the generally  
9 accepted historical distribution of projects throughout  
10 the State.

11 (b) ~~\$5,966,379,900~~ \$5,379,670,000 for rail facilities and  
12 for mass transit facilities, as defined in Section 2705-305 of  
13 the Department of Transportation Law (20 ILCS 2705/2705-305),  
14 including rapid transit, rail, bus and other equipment used in  
15 connection therewith by the State or any unit of local  
16 government, special transportation district, municipal  
17 corporation or other corporation or public authority  
18 authorized to provide and promote public transportation within  
19 the State or two or more of the foregoing jointly, for the  
20 following specific purposes:

21 (1) ~~\$4,387,063,600~~ \$4,283,870,000 statewide,

22 (2) \$83,350,000 for use within the counties of Cook,  
23 DuPage, Kane, Lake, McHenry and Will,

24 (3) \$12,450,000 for use outside the counties of Cook,  
25 DuPage, Kane, Lake, McHenry and Will, and

26 (4) ~~\$1,000,916,300~~ \$1,000,000,000 for use on projects

1 that shall reflect the generally accepted historical  
2 distribution of projects throughout the State.

3 (c) \$482,600,000 for airport or aviation facilities and any  
4 equipment used in connection therewith, including engineering  
5 and land acquisition costs, by the State or any unit of local  
6 government, special transportation district, municipal  
7 corporation or other corporation or public authority  
8 authorized to provide public transportation within the State,  
9 or two or more of the foregoing acting jointly, and for the  
10 making of deposits into the Airport Land Loan Revolving Fund  
11 for loans to public airport owners pursuant to the Illinois  
12 Aeronautics Act.

13 (d) ~~\$4,660,328,300~~ \$4,653,800,000 for use statewide for  
14 State or local highways, arterial highways, freeways, roads,  
15 bridges, and structures separating highways and railroads and  
16 roads, and for grants to counties, municipalities, townships,  
17 or road districts for planning, engineering, acquisition,  
18 construction, reconstruction, development, improvement,  
19 extension, and all construction-related expenses of the public  
20 infrastructure and other transportation improvement projects  
21 which are related to economic development in the State of  
22 Illinois.

23 ~~(e) \$4,500,000,000 for use statewide for grade crossings,~~  
24 ~~port facilities, airport facilities, rail facilities, and mass~~  
25 ~~transit facilities, as defined in Section 2705-305 of the~~  
26 ~~Department of Transportation Law of the Civil Administrative~~

1 ~~Code of Illinois, including rapid transit, rail, bus and other~~  
2 ~~equipment used in connection therewith by the State or any unit~~  
3 ~~of local government, special transportation district,~~  
4 ~~municipal corporation or other corporation or public authority~~  
5 ~~authorized to provide and promote public transportation within~~  
6 ~~the State or two or more of the foregoing jointly.~~

7 (Source: P.A. 97-771, eff. 7-10-12; 98-94, eff. 7-17-13;  
8 98-781, eff. 7-22-14; 101-30, eff. 6-28-19.)

9 (30 ILCS 330/5) (from Ch. 127, par. 655)

10 Sec. 5. School construction.

11 (a) The amount of \$58,450,000 is authorized to make grants  
12 to local school districts for the acquisition, development,  
13 construction, reconstruction, rehabilitation, improvement,  
14 financing, architectural planning and installation of capital  
15 facilities, including but not limited to those required for  
16 special education building projects provided for in Article 14  
17 of The School Code, consisting of buildings, structures, and  
18 durable equipment, and for the acquisition and improvement of  
19 real property and interests in real property required, or  
20 expected to be required, in connection therewith.

21 (b) \$22,550,000, or so much thereof as may be necessary,  
22 for grants to school districts for the making of principal and  
23 interest payments, required to be made, on bonds issued by such  
24 school districts after January 1, 1969, pursuant to any  
25 indenture, ordinance, resolution, agreement or contract to



1 provide funds for the acquisition, development, construction,  
2 reconstruction, rehabilitation, improvement, architectural  
3 planning and installation of capital facilities consisting of  
4 buildings, structures, durable equipment and land for  
5 educational purposes or for lease payments required to be made  
6 by a school district for principal and interest payments on  
7 bonds issued by a Public Building Commission after January 1,  
8 1969.

9 (c) \$10,000,000 for grants to school districts for the  
10 acquisition, development, construction, reconstruction,  
11 rehabilitation, improvement, architectural planning and  
12 installation of capital facilities consisting of buildings  
13 structures, durable equipment and land for special education  
14 building projects.

15 (d) \$9,000,000 for grants to school districts for the  
16 reconstruction, rehabilitation, improvement, financing and  
17 architectural planning of capital facilities, including  
18 construction at another location to replace such capital  
19 facilities, consisting of those public school buildings and  
20 temporary school facilities which, prior to January 1, 1984,  
21 were condemned by the regional superintendent under Section  
22 3-14.22 of The School Code or by any State official having  
23 jurisdiction over building safety.

24 (e) ~~\$3,109,403,700~~ \$3,050,000,000 for grants to school  
25 districts for school improvement projects authorized by the  
26 School Construction Law. The bonds shall be sold in amounts not

1 to exceed the following schedule, except any bonds not sold  
2 during one year shall be added to the bonds to be sold during  
3 the remainder of the schedule:

|   |                                 |   |
|---|---------------------------------|---|
| 4 | First year .....                | \$200,000,000                                 |
| 5 | Second year .....               | \$450,000,000                                 |
| 6 | Third year .....                | \$500,000,000                                 |
| 7 | Fourth year .....               | \$500,000,000                                 |
| 8 | Fifth year .....                | \$800,000,000                                 |
| 9 | Sixth year and thereafter ..... | <del>\$659,403,700</del> <u>\$600,000,000</u> |

10 (f) \$1,615,000,000 grants to school districts for school  
11 implemented projects authorized by the School Construction  
12 Law.

13 (Source: P.A. 100-587, eff. 6-4-18; 101-30, eff. 6-28-19.)

14 (30 ILCS 330/6) (from Ch. 127, par. 656)

15 Sec. 6. Anti-Pollution.

16 (a) The amount of ~~\$581,814,300~~ \$443,215,000 is authorized  
17 for allocation by the Environmental Protection Agency for  
18 grants or loans to units of local government, ~~including grants~~  
19 ~~to disadvantaged communities without modern sewage systems,~~ in  
20 such amounts, at such times and for such purpose as the Agency  
21 deems necessary or desirable for the planning, financing, and  
22 construction of municipal sewage treatment works and solid  
23 waste disposal facilities and for making of deposits into the  
24 Water Revolving Fund and the U.S. Environmental Protection Fund  
25 to provide assistance in accordance with the provisions of

1 Title IV-A of the Environmental Protection Act.

2 (b) The amount of \$236,500,000 is authorized for allocation  
3 by the Environmental Protection Agency for payment of claims  
4 submitted to the State and approved for payment under the  
5 Leaking Underground Storage Tank Program established in Title  
6 XVI of the Environmental Protection Act.

7 (Source: P.A. 98-94, eff. 7-17-13; 101-30, eff. 6-28-19.)

8 (30 ILCS 330/7.6)

9 Sec. 7.6. Income Tax Proceed Bonds.

10 (a) As used in this Act, "Income Tax Proceed Bonds" means  
11 Bonds (i) authorized by this amendatory Act of the 100th  
12 General Assembly or any other Public Act of the 100th General  
13 Assembly authorizing the issuance of Income Tax Proceed Bonds  
14 and (ii) used for the payment of unpaid obligations of the  
15 State as incurred from time to time and as authorized by the  
16 General Assembly.

17 (b) Income Tax Proceed Bonds in the amount of  
18 \$6,000,000,000 are hereby authorized to be used for the purpose  
19 of paying vouchers incurred by the State prior to July 1, 2017.  
20 ~~Additional Income Tax Proceed Bonds in the amount of~~  
21 ~~\$1,200,000,000 are hereby authorized to be used for the purpose~~  
22 ~~of paying vouchers incurred by the State and accruing interest~~  
23 ~~payable by the State prior to the date on which the Income Tax~~  
24 ~~Proceed Bonds are issued.~~

25 (c) The Income Tax Bond Fund is hereby created as a special

1 fund in the State treasury. All moneys from the proceeds of the  
2 sale of the Income Tax Proceed Bonds, less the amounts  
3 authorized in the Bond Sale Order to be directly paid out for  
4 bond sale expenses under Section 8, shall be deposited into the  
5 Income Tax Bond Fund. All moneys in the Income Tax Bond Fund  
6 shall be used for the purpose of paying vouchers incurred by  
7 the State prior to July 1, 2017 ~~or for paying vouchers incurred~~  
8 ~~by the State more than 90 days prior to the date on which the~~  
9 ~~Income Tax Proceed Bonds are issued.~~ For the purpose of paying  
10 such vouchers, the Comptroller has the authority to transfer  
11 moneys from the Income Tax Bond Fund to general funds and the  
12 Health Insurance Reserve Fund. "General funds" has the meaning  
13 provided in Section 50-40 of the State Budget Law.

14 (Source: P.A. 100-23, eff. 7-6-17; 101-30, eff. 6-28-19;  
15 101-604, eff. 12-13-19.)

16 (30 ILCS 330/9) (from Ch. 127, par. 659)

17 Sec. 9. Conditions for issuance and sale of Bonds;  
18 requirements for Bonds.

19 (a) Except as otherwise provided in this subsection,  
20 subsection (h), and subsection (i), Bonds shall be issued and  
21 sold from time to time, in one or more series, in such amounts  
22 and at such prices as may be directed by the Governor, upon  
23 recommendation by the Director of the Governor's Office of  
24 Management and Budget. Bonds shall be in such form (either  
25 coupon, registered or book entry), in such denominations,

1 payable within 25 years from their date, subject to such terms  
2 of redemption with or without premium, bear interest payable at  
3 such times and at such fixed or variable rate or rates, and be  
4 dated as shall be fixed and determined by the Director of the  
5 Governor's Office of Management and Budget in the order  
6 authorizing the issuance and sale of any series of Bonds, which  
7 order shall be approved by the Governor and is herein called a  
8 "Bond Sale Order"; provided however, that interest payable at  
9 fixed or variable rates shall not exceed that permitted in the  
10 Bond Authorization Act, as now or hereafter amended. Bonds  
11 shall be payable at such place or places, within or without the  
12 State of Illinois, and may be made registrable as to either  
13 principal or as to both principal and interest, as shall be  
14 specified in the Bond Sale Order. Bonds may be callable or  
15 subject to purchase and retirement or tender and remarketing as  
16 fixed and determined in the Bond Sale Order. Bonds, other than  
17 Bonds issued under Section 3 of this Act for the costs  
18 associated with the purchase and implementation of information  
19 technology, (i) except for refunding Bonds satisfying the  
20 requirements of Section 16 of this Act and sold during fiscal  
21 year 2009, 2010, 2011, 2017, 2018, or 2019 must be issued with  
22 principal or mandatory redemption amounts in equal amounts,  
23 with the first maturity issued occurring within the fiscal year  
24 in which the Bonds are issued or within the next succeeding  
25 fiscal year and (ii) must mature or be subject to mandatory  
26 redemption each fiscal year thereafter up to 25 years, except

1 for refunding Bonds satisfying the requirements of Section 16  
2 of this Act and sold during fiscal year 2009, 2010, or 2011  
3 which must mature or be subject to mandatory redemption each  
4 fiscal year thereafter up to 16 years. Bonds issued under  
5 Section 3 of this Act for the costs associated with the  
6 purchase and implementation of information technology must be  
7 issued with principal or mandatory redemption amounts in equal  
8 amounts, with the first maturity issued occurring with the  
9 fiscal year in which the respective bonds are issued or with  
10 the next succeeding fiscal year, with the respective bonds  
11 issued maturing or subject to mandatory redemption each fiscal  
12 year thereafter up to 10 years. Notwithstanding any provision  
13 of this Act to the contrary, the Bonds authorized by Public Act  
14 96-43 shall be payable within 5 years from their date and must  
15 be issued with principal or mandatory redemption amounts in  
16 equal amounts, with payment of principal or mandatory  
17 redemption beginning in the first fiscal year following the  
18 fiscal year in which the Bonds are issued.

19 Notwithstanding any provision of this Act to the contrary,  
20 the Bonds authorized by Public Act 96-1497 shall be payable  
21 within 8 years from their date and shall be issued with payment  
22 of maturing principal or scheduled mandatory redemptions in  
23 accordance with the following schedule, except the following  
24 amounts shall be prorated if less than the total additional  
25 amount of Bonds authorized by Public Act 96-1497 are issued:

26           Fiscal Year After Issuance           Amount

|   |     |               |
|---|-----|---------------|
| 1 | 1-2 | \$0           |
| 2 | 3   | \$110,712,120 |
| 3 | 4   | \$332,136,360 |
| 4 | 5   | \$664,272,720 |
| 5 | 6-8 | \$996,409,080 |

6 Notwithstanding any provision of this Act to the contrary,  
7 Income Tax Proceed Bonds issued under Section 7.6 shall be  
8 payable 12 years from the date of sale and shall be issued with  
9 payment of principal or mandatory redemption.

10 In the case of any series of Bonds bearing interest at a  
11 variable interest rate ("Variable Rate Bonds"), in lieu of  
12 determining the rate or rates at which such series of Variable  
13 Rate Bonds shall bear interest and the price or prices at which  
14 such Variable Rate Bonds shall be initially sold or remarketed  
15 (in the event of purchase and subsequent resale), the Bond Sale  
16 Order may provide that such interest rates and prices may vary  
17 from time to time depending on criteria established in such  
18 Bond Sale Order, which criteria may include, without  
19 limitation, references to indices or variations in interest  
20 rates as may, in the judgment of a remarketing agent, be  
21 necessary to cause Variable Rate Bonds of such series to be  
22 remarketable from time to time at a price equal to their  
23 principal amount, and may provide for appointment of a bank,  
24 trust company, investment bank, or other financial institution  
25 to serve as remarketing agent in that connection. The Bond Sale  
26 Order may provide that alternative interest rates or provisions

1 for establishing alternative interest rates, different  
2 security or claim priorities, or different call or amortization  
3 provisions will apply during such times as Variable Rate Bonds  
4 of any series are held by a person providing credit or  
5 liquidity enhancement arrangements for such Bonds as  
6 authorized in subsection (b) of this Section. The Bond Sale  
7 Order may also provide for such variable interest rates to be  
8 established pursuant to a process generally known as an auction  
9 rate process and may provide for appointment of one or more  
10 financial institutions to serve as auction agents and  
11 broker-dealers in connection with the establishment of such  
12 interest rates and the sale and remarketing of such Bonds.

13 (b) In connection with the issuance of any series of Bonds,  
14 the State may enter into arrangements to provide additional  
15 security and liquidity for such Bonds, including, without  
16 limitation, bond or interest rate insurance or letters of  
17 credit, lines of credit, bond purchase contracts, or other  
18 arrangements whereby funds are made available to retire or  
19 purchase Bonds, thereby assuring the ability of owners of the  
20 Bonds to sell or redeem their Bonds. The State may enter into  
21 contracts and may agree to pay fees to persons providing such  
22 arrangements, but only under circumstances where the Director  
23 of the Governor's Office of Management and Budget certifies  
24 that he or she reasonably expects the total interest paid or to  
25 be paid on the Bonds, together with the fees for the  
26 arrangements (being treated as if interest), would not, taken



1 together, cause the Bonds to bear interest, calculated to their  
2 stated maturity, at a rate in excess of the rate that the Bonds  
3 would bear in the absence of such arrangements.

4 The State may, with respect to Bonds issued or anticipated  
5 to be issued, participate in and enter into arrangements with  
6 respect to interest rate protection or exchange agreements,  
7 guarantees, or financial futures contracts for the purpose of  
8 limiting, reducing, or managing interest rate exposure. The  
9 authority granted under this paragraph, however, shall not  
10 increase the principal amount of Bonds authorized to be issued  
11 by law. The arrangements may be executed and delivered by the  
12 Director of the Governor's Office of Management and Budget on  
13 behalf of the State. Net payments for such arrangements shall  
14 constitute interest on the Bonds and shall be paid from the  
15 General Obligation Bond Retirement and Interest Fund. The  
16 Director of the Governor's Office of Management and Budget  
17 shall at least annually certify to the Governor and the State  
18 Comptroller his or her estimate of the amounts of such net  
19 payments to be included in the calculation of interest required  
20 to be paid by the State.

21 (c) Prior to the issuance of any Variable Rate Bonds  
22 pursuant to subsection (a), the Director of the Governor's  
23 Office of Management and Budget shall adopt an interest rate  
24 risk management policy providing that the amount of the State's  
25 variable rate exposure with respect to Bonds shall not exceed  
26 20%. This policy shall remain in effect while any Bonds are

1 outstanding and the issuance of Bonds shall be subject to the  
2 terms of such policy. The terms of this policy may be amended  
3 from time to time by the Director of the Governor's Office of  
4 Management and Budget but in no event shall any amendment cause  
5 the permitted level of the State's variable rate exposure with  
6 respect to Bonds to exceed 20%.

7 (d) "Build America Bonds" in this Section means Bonds  
8 authorized by Section 54AA of the Internal Revenue Code of  
9 1986, as amended ("Internal Revenue Code"), and bonds issued  
10 from time to time to refund or continue to refund "Build  
11 America Bonds".

12 (e) Notwithstanding any other provision of this Section,  
13 Qualified School Construction Bonds shall be issued and sold  
14 from time to time, in one or more series, in such amounts and  
15 at such prices as may be directed by the Governor, upon  
16 recommendation by the Director of the Governor's Office of  
17 Management and Budget. Qualified School Construction Bonds  
18 shall be in such form (either coupon, registered or book  
19 entry), in such denominations, payable within 25 years from  
20 their date, subject to such terms of redemption with or without  
21 premium, and if the Qualified School Construction Bonds are  
22 issued with a supplemental coupon, bear interest payable at  
23 such times and at such fixed or variable rate or rates, and be  
24 dated as shall be fixed and determined by the Director of the  
25 Governor's Office of Management and Budget in the order  
26 authorizing the issuance and sale of any series of Qualified

1 School Construction Bonds, which order shall be approved by the  
2 Governor and is herein called a "Bond Sale Order"; except that  
3 interest payable at fixed or variable rates, if any, shall not  
4 exceed that permitted in the Bond Authorization Act, as now or  
5 hereafter amended. Qualified School Construction Bonds shall  
6 be payable at such place or places, within or without the State  
7 of Illinois, and may be made registrable as to either principal  
8 or as to both principal and interest, as shall be specified in  
9 the Bond Sale Order. Qualified School Construction Bonds may be  
10 callable or subject to purchase and retirement or tender and  
11 remarketing as fixed and determined in the Bond Sale Order.  
12 Qualified School Construction Bonds must be issued with  
13 principal or mandatory redemption amounts or sinking fund  
14 payments into the General Obligation Bond Retirement and  
15 Interest Fund (or subaccount therefor) in equal amounts, with  
16 the first maturity issued, mandatory redemption payment or  
17 sinking fund payment occurring within the fiscal year in which  
18 the Qualified School Construction Bonds are issued or within  
19 the next succeeding fiscal year, with Qualified School  
20 Construction Bonds issued maturing or subject to mandatory  
21 redemption or with sinking fund payments thereof deposited each  
22 fiscal year thereafter up to 25 years. Sinking fund payments  
23 set forth in this subsection shall be permitted only to the  
24 extent authorized in Section 54F of the Internal Revenue Code  
25 or as otherwise determined by the Director of the Governor's  
26 Office of Management and Budget. "Qualified School

1 Construction Bonds" in this subsection means Bonds authorized  
2 by Section 54F of the Internal Revenue Code and for bonds  
3 issued from time to time to refund or continue to refund such  
4 "Qualified School Construction Bonds".

5 (f) Beginning with the next issuance by the Governor's  
6 Office of Management and Budget to the Procurement Policy Board  
7 of a request for quotation for the purpose of formulating a new  
8 pool of qualified underwriting banks list, all entities  
9 responding to such a request for quotation for inclusion on  
10 that list shall provide a written report to the Governor's  
11 Office of Management and Budget and the Illinois Comptroller.  
12 The written report submitted to the Comptroller shall (i) be  
13 published on the Comptroller's Internet website and (ii) be  
14 used by the Governor's Office of Management and Budget for the  
15 purposes of scoring such a request for quotation. The written  
16 report, at a minimum, shall:

17 (1) disclose whether, within the past 3 months,  
18 pursuant to its credit default swap market-making  
19 activities, the firm has entered into any State of Illinois  
20 credit default swaps ("CDS");

21 (2) include, in the event of State of Illinois CDS  
22 activity, disclosure of the firm's cumulative notional  
23 volume of State of Illinois CDS trades and the firm's  
24 outstanding gross and net notional amount of State of  
25 Illinois CDS, as of the end of the current 3-month period;

26 (3) indicate, pursuant to the firm's proprietary

1 trading activities, disclosure of whether the firm, within  
2 the past 3 months, has entered into any proprietary trades  
3 for its own account in State of Illinois CDS;

4 (4) include, in the event of State of Illinois  
5 proprietary trades, disclosure of the firm's outstanding  
6 gross and net notional amount of proprietary State of  
7 Illinois CDS and whether the net position is short or long  
8 credit protection, as of the end of the current 3-month  
9 period;

10 (5) list all time periods during the past 3 months  
11 during which the firm held net long or net short State of  
12 Illinois CDS proprietary credit protection positions, the  
13 amount of such positions, and whether those positions were  
14 net long or net short credit protection positions; and

15 (6) indicate whether, within the previous 3 months, the  
16 firm released any publicly available research or marketing  
17 reports that reference State of Illinois CDS and include  
18 those research or marketing reports as attachments.

19 (g) All entities included on a Governor's Office of  
20 Management and Budget's pool of qualified underwriting banks  
21 list shall, as soon as possible after March 18, 2011 (the  
22 effective date of Public Act 96-1554), but not later than  
23 January 21, 2011, and on a quarterly fiscal basis thereafter,  
24 provide a written report to the Governor's Office of Management  
25 and Budget and the Illinois Comptroller. The written reports  
26 submitted to the Comptroller shall be published on the

1 Comptroller's Internet website. The written reports, at a  
2 minimum, shall:

3 (1) disclose whether, within the past 3 months,  
4 pursuant to its credit default swap market-making  
5 activities, the firm has entered into any State of Illinois  
6 credit default swaps ("CDS");

7 (2) include, in the event of State of Illinois CDS  
8 activity, disclosure of the firm's cumulative notional  
9 volume of State of Illinois CDS trades and the firm's  
10 outstanding gross and net notional amount of State of  
11 Illinois CDS, as of the end of the current 3-month period;

12 (3) indicate, pursuant to the firm's proprietary  
13 trading activities, disclosure of whether the firm, within  
14 the past 3 months, has entered into any proprietary trades  
15 for its own account in State of Illinois CDS;

16 (4) include, in the event of State of Illinois  
17 proprietary trades, disclosure of the firm's outstanding  
18 gross and net notional amount of proprietary State of  
19 Illinois CDS and whether the net position is short or long  
20 credit protection, as of the end of the current 3-month  
21 period;

22 (5) list all time periods during the past 3 months  
23 during which the firm held net long or net short State of  
24 Illinois CDS proprietary credit protection positions, the  
25 amount of such positions, and whether those positions were  
26 net long or net short credit protection positions; and

1           (6) indicate whether, within the previous 3 months, the  
2           firm released any publicly available research or marketing  
3           reports that reference State of Illinois CDS and include  
4           those research or marketing reports as attachments.

5           (h) Notwithstanding any other provision of this Section,  
6           for purposes of maximizing market efficiencies and cost  
7           savings, Income Tax Proceed Bonds may be issued and sold from  
8           time to time, in one or more series, in such amounts and at  
9           such prices as may be directed by the Governor, upon  
10          recommendation by the Director of the Governor's Office of  
11          Management and Budget. Income Tax Proceed Bonds shall be in  
12          such form, either coupon, registered, or book entry, in such  
13          denominations, shall bear interest payable at such times and at  
14          such fixed or variable rate or rates, and be dated as shall be  
15          fixed and determined by the Director of the Governor's Office  
16          of Management and Budget in the order authorizing the issuance  
17          and sale of any series of Income Tax Proceed Bonds, which order  
18          shall be approved by the Governor and is herein called a "Bond  
19          Sale Order"; provided, however, that interest payable at fixed  
20          or variable rates shall not exceed that permitted in the Bond  
21          Authorization Act. Income Tax Proceed Bonds shall be payable at  
22          such place or places, within or without the State of Illinois,  
23          and may be made registrable as to either principal or as to  
24          both principal and interest, as shall be specified in the Bond  
25          Sale Order. Income Tax Proceed Bonds may be callable or subject  
26          to purchase and retirement or tender and remarketing as fixed

1 and determined in the Bond Sale Order.

2 (i) Notwithstanding any other provision of this Section,  
3 for purposes of maximizing market efficiencies and cost  
4 savings, State Pension Obligation Acceleration Bonds may be  
5 issued and sold from time to time, in one or more series, in  
6 such amounts and at such prices as may be directed by the  
7 Governor, upon recommendation by the Director of the Governor's  
8 Office of Management and Budget. State Pension Obligation  
9 Acceleration Bonds shall be in such form, either coupon,  
10 registered, or book entry, in such denominations, shall bear  
11 interest payable at such times and at such fixed or variable  
12 rate or rates, and be dated as shall be fixed and determined by  
13 the Director of the Governor's Office of Management and Budget  
14 in the order authorizing the issuance and sale of any series of  
15 State Pension Obligation Acceleration Bonds, which order shall  
16 be approved by the Governor and is herein called a "Bond Sale  
17 Order"; provided, however, that interest payable at fixed or  
18 variable rates shall not exceed that permitted in the Bond  
19 Authorization Act. State Pension Obligation Acceleration Bonds  
20 shall be payable at such place or places, within or without the  
21 State of Illinois, and may be made registrable as to either  
22 principal or as to both principal and interest, as shall be  
23 specified in the Bond Sale Order. State Pension Obligation  
24 Acceleration Bonds may be callable or subject to purchase and  
25 retirement or tender and remarketing as fixed and determined in  
26 the Bond Sale Order.



1 (Source: P.A. 100-23, Article 25, Section 25-5, eff. 7-6-17;  
2 100-23, Article 75, Section 75-10, eff. 7-6-17; 100-587,  
3 Article 60, Section 60-5, eff. 6-4-18; 100-587, Article 110,  
4 Section 110-15, eff. 6-4-18; 100-863, eff. 8-14-18; 101-30,  
5 eff. 6-28-19; 101-81, eff. 7-12-19.)

6 (30 ILCS 330/11) (from Ch. 127, par. 661)

7 Sec. 11. Sale of Bonds. Except as otherwise provided in  
8 this Section, Bonds shall be sold from time to time pursuant to  
9 notice of sale and public bid or by negotiated sale in such  
10 amounts and at such times as is directed by the Governor, upon  
11 recommendation by the Director of the Governor's Office of  
12 Management and Budget. At least 25%, based on total principal  
13 amount, of all Bonds issued each fiscal year shall be sold  
14 pursuant to notice of sale and public bid. At all times during  
15 each fiscal year, no more than 75%, based on total principal  
16 amount, of the Bonds issued each fiscal year, shall have been  
17 sold by negotiated sale. Failure to satisfy the requirements in  
18 the preceding 2 sentences shall not affect the validity of any  
19 previously issued Bonds; provided that all Bonds authorized by  
20 Public Act 96-43 and Public Act 96-1497 shall not be included  
21 in determining compliance for any fiscal year with the  
22 requirements of the preceding 2 sentences; and further provided  
23 that refunding Bonds satisfying the requirements of Section 16  
24 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,  
25 2018, or 2019 shall not be subject to the requirements in the

1 preceding 2 sentences.

2 If any Bonds, including refunding Bonds, are to be sold by  
3 negotiated sale, the Director of the Governor's Office of  
4 Management and Budget shall comply with the competitive request  
5 for proposal process set forth in the Illinois Procurement Code  
6 and all other applicable requirements of that Code.

7 If Bonds are to be sold pursuant to notice of sale and  
8 public bid, the Director of the Governor's Office of Management  
9 and Budget may, from time to time, as Bonds are to be sold,  
10 advertise the sale of the Bonds in at least 2 daily newspapers,  
11 one of which is published in the City of Springfield and one in  
12 the City of Chicago. The sale of the Bonds shall also be  
13 advertised in the volume of the Illinois Procurement Bulletin  
14 that is published by the Department of Central Management  
15 Services, and shall be published once at least 10 days prior to  
16 the date fixed for the opening of the bids. The Director of the  
17 Governor's Office of Management and Budget may reschedule the  
18 date of sale upon the giving of such additional notice as the  
19 Director deems adequate to inform prospective bidders of such  
20 change; provided, however, that all other conditions of the  
21 sale shall continue as originally advertised.

22 Executed Bonds shall, upon payment therefor, be delivered  
23 to the purchaser, and the proceeds of Bonds shall be paid into  
24 the State Treasury as directed by Section 12 of this Act.

25 All Income Tax Proceed Bonds shall comply with this  
26 Section. Notwithstanding anything to the contrary, however,

1 for purposes of complying with this Section, Income Tax Proceed  
2 Bonds, regardless of the number of series or issuances sold  
3 thereunder, shall be considered a single issue or series.  
4 Furthermore, for purposes of complying with the competitive  
5 bidding requirements of this Section, the words "at all times"  
6 shall not apply to any such sale of the Income Tax Proceed  
7 Bonds. The Director of the Governor's Office of Management and  
8 Budget shall determine the time and manner of any competitive  
9 sale of the Income Tax Proceed Bonds; however, that sale shall  
10 under no circumstances take place later than 60 days after the  
11 State closes the sale of 75% of the Income Tax Proceed Bonds by  
12 negotiated sale.

13 All State Pension Obligation Acceleration Bonds shall  
14 comply with this Section. Notwithstanding anything to the  
15 contrary, however, for purposes of complying with this Section,  
16 State Pension Obligation Acceleration Bonds, regardless of the  
17 number of series or issuances sold thereunder, shall be  
18 considered a single issue or series. Furthermore, for purposes  
19 of complying with the competitive bidding requirements of this  
20 Section, the words "at all times" shall not apply to any such  
21 sale of the State Pension Obligation Acceleration Bonds. The  
22 Director of the Governor's Office of Management and Budget  
23 shall determine the time and manner of any competitive sale of  
24 the State Pension Obligation Acceleration Bonds; however, that  
25 sale shall under no circumstances take place later than 60 days  
26 after the State closes the sale of 75% of the State Pension

1 Obligation Acceleration Bonds by negotiated sale.

2 (Source: P.A. 100-23, Article 25, Section 25-5, eff. 7-6-17;  
3 100-23, Article 75, Section 75-10, eff. 7-6-17; 100-587,  
4 Article 60, Section 60-5, eff. 6-4-18; 100-587, Article 110,  
5 Section 110-15, eff. 6-4-18; 100-863, eff. 8-4-18; 101-30, eff.  
6 6-28-19; 101-81, eff. 7-12-19.)

7 (30 ILCS 330/12) (from Ch. 127, par. 662)

8 Sec. 12. Allocation of proceeds from sale of Bonds.

9 (a) Proceeds from the sale of Bonds, authorized by Section  
10 3 of this Act, shall be deposited in the separate fund known as  
11 the Capital Development Fund.

12 (b) Proceeds from the sale of Bonds, authorized by  
13 paragraph (a) of Section 4 of this Act, shall be deposited in  
14 the separate fund known as the Transportation Bond, Series A  
15 Fund.

16 (c) Proceeds from the sale of Bonds, authorized by  
17 paragraphs (b) and (c) of Section 4 of this Act, shall be  
18 deposited in the separate fund known as the Transportation  
19 Bond, Series B Fund.

20 (c-1) Proceeds from the sale of Bonds, authorized by  
21 paragraph (d) of Section 4 of this Act, shall be deposited into  
22 the Transportation Bond Series D Fund, which is hereby created.

23 ~~(c-2) Proceeds from the sale of Bonds, authorized by~~  
24 ~~paragraph (c) of Section 4 of this Act, shall be deposited into~~  
25 ~~the Multi modal Transportation Bond Fund, which is hereby~~

1 ~~created.~~

2 (d) Proceeds from the sale of Bonds, authorized by Section  
3 5 of this Act, shall be deposited in the separate fund known as  
4 the School Construction Fund.

5 (e) Proceeds from the sale of Bonds, authorized by Section  
6 6 of this Act, shall be deposited in the separate fund known as  
7 the Anti-Pollution Fund.

8 (f) Proceeds from the sale of Bonds, authorized by Section  
9 7 of this Act, shall be deposited in the separate fund known as  
10 the Coal Development Fund.

11 (f-2) Proceeds from the sale of Bonds, authorized by  
12 Section 7.2 of this Act, shall be deposited as set forth in  
13 Section 7.2.

14 (f-5) Proceeds from the sale of Bonds, authorized by  
15 Section 7.5 of this Act, shall be deposited as set forth in  
16 Section 7.5.

17 (f-7) Proceeds from the sale of Bonds, authorized by  
18 Section 7.6 of this Act, shall be deposited as set forth in  
19 Section 7.6.

20 (f-8) Proceeds from the sale of Bonds, authorized by  
21 Section 7.7 of this Act, shall be deposited as set forth in  
22 Section 7.7.

23 (g) Proceeds from the sale of Bonds, authorized by Section  
24 8 of this Act, shall be deposited in the Capital Development  
25 Fund.

26 (h) Subsequent to the issuance of any Bonds for the

1 purposes described in Sections 2 through 8 of this Act, the  
2 Governor and the Director of the Governor's Office of  
3 Management and Budget may provide for the reallocation of  
4 unspent proceeds of such Bonds to any other purposes authorized  
5 under said Sections of this Act, subject to the limitations on  
6 aggregate principal amounts contained therein. Upon any such  
7 reallocation, such unspent proceeds shall be transferred to the  
8 appropriate funds as determined by reference to paragraphs (a)  
9 through (g) of this Section.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
11 101-30, eff. 6-28-19.)

12 (30 ILCS 330/15) (from Ch. 127, par. 665)

13 Sec. 15. Computation of principal and interest; transfers.

14 (a) Upon each delivery of Bonds authorized to be issued  
15 under this Act, the Comptroller shall compute and certify to  
16 the Treasurer the total amount of principal of, interest on,  
17 and premium, if any, on Bonds issued that will be payable in  
18 order to retire such Bonds, the amount of principal of,  
19 interest on and premium, if any, on such Bonds that will be  
20 payable on each payment date according to the tenor of such  
21 Bonds during the then current and each succeeding fiscal year,  
22 and the amount of sinking fund payments needed to be deposited  
23 in connection with Qualified School Construction Bonds  
24 authorized by subsection (e) of Section 9. With respect to the  
25 interest payable on variable rate bonds, such certifications

1 shall be calculated at the maximum rate of interest that may be  
2 payable during the fiscal year, after taking into account any  
3 credits permitted in the related indenture or other instrument  
4 against the amount of such interest required to be appropriated  
5 for such period pursuant to subsection (c) of Section 14 of  
6 this Act. With respect to the interest payable, such  
7 certifications shall include the amounts certified by the  
8 Director of the Governor's Office of Management and Budget  
9 under subsection (b) of Section 9 of this Act.

10 On or before the last day of each month the State Treasurer  
11 and Comptroller shall transfer from (1) the Road Fund with  
12 respect to Bonds issued under ~~paragraphs~~ paragraph (a) ~~and (c)~~  
13 of Section 4 of this Act, or Bonds issued under authorization  
14 in Public Act 98-781, or Bonds issued for the purpose of  
15 refunding such bonds, and from (2) the General Revenue Fund,  
16 with respect to all other Bonds issued under this Act, to the  
17 General Obligation Bond Retirement and Interest Fund an amount  
18 sufficient to pay the aggregate of the principal of, interest  
19 on, and premium, if any, on Bonds payable, by their terms on  
20 the next payment date divided by the number of full calendar  
21 months between the date of such Bonds and the first such  
22 payment date, and thereafter, divided by the number of months  
23 between each succeeding payment date after the first. Such  
24 computations and transfers shall be made for each series of  
25 Bonds issued and delivered. Interest payable on variable rate  
26 bonds shall be calculated at the maximum rate of interest that

1 may be payable for the relevant period, after taking into  
2 account any credits permitted in the related indenture or other  
3 instrument against the amount of such interest required to be  
4 appropriated for such period pursuant to subsection (c) of  
5 Section 14 of this Act. Computations of interest shall include  
6 the amounts certified by the Director of the Governor's Office  
7 of Management and Budget under subsection (b) of Section 9 of  
8 this Act. Interest for which moneys have already been deposited  
9 into the capitalized interest account within the General  
10 Obligation Bond Retirement and Interest Fund shall not be  
11 included in the calculation of the amounts to be transferred  
12 under this subsection. Notwithstanding any other provision in  
13 this Section, the transfer provisions provided in this  
14 paragraph shall not apply to transfers made in fiscal year 2010  
15 or fiscal year 2011 with respect to Bonds issued in fiscal year  
16 2010 or fiscal year 2011 pursuant to Section 7.2 of this Act.  
17 In the case of transfers made in fiscal year 2010 or fiscal  
18 year 2011 with respect to the Bonds issued in fiscal year 2010  
19 or fiscal year 2011 pursuant to Section 7.2 of this Act, on or  
20 before the 15th day of the month prior to the required debt  
21 service payment, the State Treasurer and Comptroller shall  
22 transfer from the General Revenue Fund to the General  
23 Obligation Bond Retirement and Interest Fund an amount  
24 sufficient to pay the aggregate of the principal of, interest  
25 on, and premium, if any, on the Bonds payable in that next  
26 month.



1           The transfer of monies herein and above directed is not  
2 required if monies in the General Obligation Bond Retirement  
3 and Interest Fund are more than the amount otherwise to be  
4 transferred as herein above provided, and if the Governor or  
5 his authorized representative notifies the State Treasurer and  
6 Comptroller of such fact in writing.

7           (b) After the effective date of this Act, the balance of,  
8 and monies directed to be included in the Capital Development  
9 Bond Retirement and Interest Fund, Anti-Pollution Bond  
10 Retirement and Interest Fund, Transportation Bond, Series A  
11 Retirement and Interest Fund, Transportation Bond, Series B  
12 Retirement and Interest Fund, and Coal Development Bond  
13 Retirement and Interest Fund shall be transferred to and  
14 deposited in the General Obligation Bond Retirement and  
15 Interest Fund. This Fund shall be used to make debt service  
16 payments on the State's general obligation Bonds heretofore  
17 issued which are now outstanding and payable from the Funds  
18 herein listed as well as on Bonds issued under this Act.

19           (c) The unused portion of federal funds received for or as  
20 reimbursement for a capital facilities project, as authorized  
21 by Section 3 of this Act, for which monies from the Capital  
22 Development Fund have been expended shall remain in the Capital  
23 Development Board Contributory Trust Fund and shall be used for  
24 capital projects and for no other purpose, subject to  
25 appropriation and as directed by the Capital Development Board.  
26 Any federal funds received as reimbursement for the completed

1 construction of a capital facilities project, as authorized by  
2 Section 3 of this Act, for which monies from the Capital  
3 Development Fund have been expended may be used for any expense  
4 or project necessary for implementation of the Quincy Veterans'  
5 Home Rehabilitation and Rebuilding Act for a period of 5 years  
6 from the effective date of this amendatory Act of the 100th  
7 General Assembly, and any remaining funds shall be deposited in  
8 the General Obligation Bond Retirement and Interest Fund.

9 (Source: P.A. 100-23, eff. 7-6-17; 100-610, eff. 7-17-18;  
10 101-30, eff. 6-28-19.)

11 (30 ILCS 330/19) (from Ch. 127, par. 669)

12 Sec. 19. Investment of Money Not Needed for Current  
13 Expenditures - Application of Earnings. (a) The State Treasurer  
14 may, with the Governor's approval, invest and reinvest any  
15 money from the Capital Development Fund, the Transportation  
16 Bond, Series A Fund, the Transportation Bond, Series B Fund,  
17 ~~the Multi modal Transportation Bond Fund,~~ the School  
18 Construction Fund, the Anti-Pollution Fund, the Coal  
19 Development Fund and the General Obligation Bond Retirement and  
20 Interest Fund, in the State Treasury, which is not needed for  
21 current expenditures due or about to become due from these  
22 funds.

23 (b) Monies received from the sale or redemption of  
24 investments from the Transportation Bond, Series A Fund ~~and the~~  
25 ~~Multi modal Transportation Bond Fund~~ shall be deposited by the

1 State Treasurer in the Road Fund.

2 Monies received from the sale or redemption of investments  
3 from the Capital Development Fund, the Transportation Bond,  
4 Series B Fund, the School Construction Fund, the Anti-Pollution  
5 Fund, and the Coal Development Fund shall be deposited by the  
6 State Treasurer in the General Revenue Fund.

7 Monies from the sale or redemption of investments from the  
8 General Obligation Bond Retirement and Interest Fund shall be  
9 deposited in the General Obligation Bond Retirement and  
10 Interest Fund.

11 (c) Monies from the Capital Development Fund, the  
12 Transportation Bond, Series A Fund, the Transportation Bond,  
13 Series B Fund, ~~the Multi-modal Transportation Bond Fund,~~ the  
14 School Construction Fund, the Anti-Pollution Fund, and the Coal  
15 Development Fund may be invested as permitted in "AN ACT in  
16 relation to State moneys", approved June 28, 1919, as amended  
17 and in "AN ACT relating to certain investments of public funds  
18 by public agencies", approved July 23, 1943, as amended. Monies  
19 from the General Obligation Bond Retirement and Interest Fund  
20 may be invested in securities constituting direct obligations  
21 of the United States Government, or obligations, the principal  
22 of and interest on which are guaranteed by the United States  
23 Government, or certificates of deposit of any state or national  
24 bank or savings and loan association. For amounts not insured  
25 by the Federal Deposit Insurance Corporation or the Federal  
26 Savings and Loan Insurance Corporation, as security the State

1 Treasurer shall accept securities constituting direct  
2 obligations of the United States Government, or obligations,  
3 the principal of and interest on which are guaranteed by the  
4 United States Government.

5 (d) Accrued interest paid to the State at the time of the  
6 delivery of the Bonds shall be deposited into the General  
7 Obligation Bond Retirement and Interest Fund in the State  
8 Treasury.

9 (Source: P.A. 84-1248; 84-1474; 101-30, eff. 6-28-19.)

10 Section 5-15. The Build Illinois Bond Act is amended by  
11 changing Sections 2, 4, 6, and 8 as follows:

12 (30 ILCS 425/2) (from Ch. 127, par. 2802)

13 Sec. 2. Authorization for Bonds. The State of Illinois is  
14 authorized to issue, sell and provide for the retirement of  
15 limited obligation bonds, notes and other evidences of  
16 indebtedness of the State of Illinois in the total principal  
17 amount of ~~\$9,484,681,100~~ \$6,246,009,000 herein called "Bonds".  
18 Such authorized amount of Bonds shall be reduced from time to  
19 time by amounts, if any, which are equal to the moneys received  
20 by the Department of Revenue in any fiscal year pursuant to  
21 Section 3-1001 of the "Illinois Vehicle Code", as amended, in  
22 excess of the Annual Specified Amount (as defined in Section 3  
23 of the "Retailers' Occupation Tax Act", as amended) and  
24 transferred at the end of such fiscal year from the General

1 Revenue Fund to the Build Illinois Purposes Fund (now  
2 abolished) as provided in Section 3-1001 of said Code;  
3 provided, however, that no such reduction shall affect the  
4 validity or enforceability of any Bonds issued prior to such  
5 reduction. Such amount of authorized Bonds shall be exclusive  
6 of any refunding Bonds issued pursuant to Section 15 of this  
7 Act and exclusive of any Bonds issued pursuant to this Section  
8 which are redeemed, purchased, advance refunded, or defeased in  
9 accordance with paragraph (f) of Section 4 of this Act. Bonds  
10 shall be issued for the categories and specific purposes  
11 expressed in Section 4 of this Act.

12 (Source: P.A. 98-94, eff. 7-17-13; 101-30, eff. 6-28-19.)

13 (30 ILCS 425/4) (from Ch. 127, par. 2804)

14 Sec. 4. Purposes of Bonds. Bonds shall be issued for the  
15 following purposes and in the approximate amounts as set forth  
16 below:

17 (a) ~~\$4,372,761,200~~ \$3,222,800,000 for the expenses of  
18 issuance and sale of Bonds, including bond discounts, and for  
19 planning, engineering, acquisition, construction,  
20 reconstruction, development, improvement and extension of the  
21 public infrastructure in the State of Illinois, including: the  
22 making of loans or grants to local governments for waste  
23 disposal systems, water and sewer line extensions and water  
24 distribution and purification facilities, rail or air or water  
25 port improvements, gas and electric utility extensions,

1 publicly owned industrial and commercial sites, buildings used  
2 for public administration purposes and other public  
3 infrastructure capital improvements; the making of loans or  
4 grants to units of local government for financing and  
5 construction of wastewater facilities, including grants to  
6 serve unincorporated areas; refinancing or retiring bonds  
7 issued between January 1, 1987 and January 1, 1990 by home rule  
8 municipalities, debt service on which is provided from a tax  
9 imposed by home rule municipalities prior to January 1, 1990 on  
10 the sale of food and drugs pursuant to Section 8-11-1 of the  
11 Home Rule Municipal Retailers' Occupation Tax Act or Section  
12 8-11-5 of the Home Rule Municipal Service Occupation Tax Act;  
13 the making of deposits not to exceed \$70,000,000 in the  
14 aggregate into the Water Pollution Control Revolving Fund to  
15 provide assistance in accordance with the provisions of Title  
16 IV-A of the Environmental Protection Act; the planning,  
17 engineering, acquisition, construction, reconstruction,  
18 alteration, expansion, extension and improvement of highways,  
19 bridges, structures separating highways and railroads, rest  
20 areas, interchanges, access roads to and from any State or  
21 local highway and other transportation improvement projects  
22 which are related to economic development activities; the  
23 making of loans or grants for planning, engineering,  
24 rehabilitation, improvement or construction of rail and  
25 transit facilities; the planning, engineering, acquisition,  
26 construction, reconstruction and improvement of watershed,

1 drainage, flood control, recreation and related improvements  
2 and facilities, including expenses related to land and easement  
3 acquisition, relocation, control structures, channel work and  
4 clearing and appurtenant work; ~~the planning, engineering,~~  
5 ~~acquisition, construction, reconstruction and improvement of~~  
6 ~~State facilities and related infrastructure; the making of Park~~  
7 ~~and Recreational Facilities Construction (PARC) grants; the~~  
8 ~~making of grants to units of local government for community~~  
9 ~~development capital projects;~~ the making of grants for  
10 improvement and development of zoos and park district field  
11 houses and related structures; and the making of grants for  
12 improvement and development of Navy Pier and related  
13 structures.

14 (b) ~~\$2,122,970,300~~ \$849,000,000 for fostering economic  
15 development and increased employment and ~~fostering~~ the well  
16 being of the citizens of Illinois ~~through community~~  
17 ~~development~~, including: the making of grants for improvement  
18 and development of McCormick Place and related structures; the  
19 planning and construction of a microelectronics research  
20 center, including the planning, engineering, construction,  
21 improvement, renovation and acquisition of buildings,  
22 equipment and related utility support systems; the making of  
23 loans to businesses and investments in small businesses;  
24 acquiring real properties for industrial or commercial site  
25 development; acquiring, rehabilitating and reconveying  
26 industrial and commercial properties for the purpose of

1 expanding employment and encouraging private and other public  
2 sector investment in the economy of Illinois; the payment of  
3 expenses associated with siting the Superconducting Super  
4 Collider Particle Accelerator in Illinois and with its  
5 acquisition, construction, maintenance, operation, promotion  
6 and support; the making of loans for the planning, engineering,  
7 acquisition, construction, improvement and conversion of  
8 facilities and equipment which will foster the use of Illinois  
9 coal; the payment of expenses associated with the promotion,  
10 establishment, acquisition and operation of small business  
11 incubator facilities and agribusiness research facilities,  
12 including the lease, purchase, renovation, planning,  
13 engineering, construction and maintenance of buildings,  
14 utility support systems and equipment designated for such  
15 purposes and the establishment and maintenance of centralized  
16 support services within such facilities; ~~the making of grants~~  
17 ~~for transportation electrification infrastructure projects~~  
18 ~~that promote use of clean and renewable energy; the making of~~  
19 ~~capital expenditures and grants for broadband development and~~  
20 ~~for a statewide broadband deployment grant program; the making~~  
21 ~~of grants to public entities and private persons and entities~~  
22 ~~for community development capital projects; the making of~~  
23 ~~grants to public entities and private persons and entities for~~  
24 ~~capital projects in the context of grant programs focused on~~  
25 ~~assisting economically depressed areas, expanding affordable~~  
26 ~~housing, supporting the provision of human services,~~



1 ~~supporting emerging technology enterprises, and supporting~~  
2 ~~minority owned businesses,~~ and the making of grants or loans to  
3 units of local government for Urban Development Action Grant  
4 and Housing Partnership programs.

5 (c) ~~\$2,711,076,600~~ \$1,944,058,100 for the development and  
6 improvement of educational, scientific, technical and  
7 vocational programs and facilities and the expansion of health  
8 and human services for all citizens of Illinois, including: ~~the~~  
9 ~~making of grants to school districts and not for profit~~  
10 ~~organizations for early childhood construction projects~~  
11 ~~pursuant to Section 5-300 of the School Construction Law; the~~  
12 ~~making of grants to educational institutions for educational,~~  
13 ~~scientific, technical and vocational program equipment and~~  
14 ~~facilities; the making of grants to museums for equipment and~~  
15 ~~facilities;~~ the making of construction and improvement grants  
16 and loans to public libraries and library systems; the making  
17 of grants and loans for planning, engineering, acquisition and  
18 construction of a new State central library in Springfield; the  
19 planning, engineering, acquisition and construction of an  
20 animal and dairy sciences facility; the planning, engineering,  
21 acquisition and construction of a campus and all related  
22 buildings, facilities, equipment and materials for Richland  
23 Community College; the acquisition, rehabilitation and  
24 installation of equipment and materials for scientific and  
25 historical surveys; the making of grants or loans for  
26 distribution to eligible vocational education instructional

1 programs for the upgrading of vocational education programs,  
2 school shops and laboratories, including the acquisition,  
3 rehabilitation and installation of technical equipment and  
4 materials; the making of grants or loans for distribution to  
5 eligible local educational agencies for the upgrading of math  
6 and science instructional programs, including the acquisition  
7 of instructional equipment and materials; miscellaneous  
8 capital improvements for universities and community colleges  
9 including the planning, engineering, construction,  
10 reconstruction, remodeling, improvement, repair and  
11 installation of capital facilities and costs of planning,  
12 supplies, equipment, materials, services, and all other  
13 required expenses; the making of grants or loans for repair,  
14 renovation and miscellaneous capital improvements for  
15 privately operated colleges and universities and community  
16 colleges, including the planning, engineering, acquisition,  
17 construction, reconstruction, remodeling, improvement, repair  
18 and installation of capital facilities and costs of planning,  
19 supplies, equipment, materials, services, and all other  
20 required expenses; and the making of grants or loans for  
21 distribution to local governments for hospital and other health  
22 care facilities including the planning, engineering,  
23 acquisition, construction, reconstruction, remodeling,  
24 improvement, repair and installation of capital facilities and  
25 costs of planning, supplies, equipment, materials, services  
26 and all other required expenses.

1 (d) ~~\$277,873,000~~ \$230,150,900 for protection,  
2 preservation, restoration and conservation of environmental  
3 and natural resources, including: the making of grants to soil  
4 and water conservation districts for the planning and  
5 implementation of conservation practices and for funding  
6 contracts with the Soil Conservation Service for watershed  
7 planning; the making of grants to units of local government for  
8 the capital development and improvement of recreation areas,  
9 including planning and engineering costs, sewer projects,  
10 including planning and engineering costs and water projects,  
11 including planning and engineering costs, and for the  
12 acquisition of open space lands, including the acquisition of  
13 easements and other property interests of less than fee simple  
14 ownership; ~~the making of grants to units of local government~~  
15 ~~through the Illinois Green Infrastructure Grant Program to~~  
16 ~~protect water quality and mitigate flooding;~~ the acquisition  
17 and related costs and development and management of natural  
18 heritage lands, including natural areas and areas providing  
19 habitat for endangered species and nongame wildlife, and buffer  
20 area lands; the acquisition and related costs and development  
21 and management of habitat lands, including forest, wildlife  
22 habitat and wetlands; and the removal and disposition of  
23 hazardous substances, including the cost of project  
24 management, equipment, laboratory analysis, and contractual  
25 services necessary for preventative and corrective actions  
26 related to the preservation, restoration and conservation of

1 the environment, including deposits not to exceed \$60,000,000  
2 in the aggregate into the Hazardous Waste Fund and the  
3 Brownfields Redevelopment Fund for improvements in accordance  
4 with the provisions of Titles V and XVII of the Environmental  
5 Protection Act.

6 (e) The amount specified in paragraph (a) above shall  
7 include an amount necessary to pay reasonable expenses of each  
8 issuance and sale of the Bonds, as specified in the related  
9 Bond Sale Order (hereinafter defined).

10 (f) Any unexpended proceeds from any sale of Bonds which  
11 are held in the Build Illinois Bond Fund may be used to redeem,  
12 purchase, advance refund, or defease any Bonds outstanding.

13 (Source: P.A. 98-94, eff. 7-17-13; 101-30, eff. 6-28-19.)

14 (30 ILCS 425/6) (from Ch. 127, par. 2806)

15 Sec. 6. Conditions for issuance and sale of Bonds -  
16 requirements for Bonds - master and supplemental indentures -  
17 credit and liquidity enhancement.

18 (a) Bonds shall be issued and sold from time to time, in  
19 one or more series, in such amounts and at such prices as  
20 directed by the Governor, upon recommendation by the Director  
21 of the Governor's Office of Management and Budget. Bonds shall  
22 be payable only from the specific sources and secured in the  
23 manner provided in this Act. Bonds shall be in such form, in  
24 such denominations, mature on such dates within 25 years from  
25 their date of issuance, be subject to optional or mandatory

1 redemption, bear interest payable at such times and at such  
2 rate or rates, fixed or variable, and be dated as shall be  
3 fixed and determined by the Director of the Governor's Office  
4 of Management and Budget in an order authorizing the issuance  
5 and sale of any series of Bonds, which order shall be approved  
6 by the Governor and is herein called a "Bond Sale Order";  
7 provided, however, that interest payable at fixed rates shall  
8 not exceed that permitted in "An Act to authorize public  
9 corporations to issue bonds, other evidences of indebtedness  
10 and tax anticipation warrants subject to interest rate  
11 limitations set forth therein", approved May 26, 1970, as now  
12 or hereafter amended, and interest payable at variable rates  
13 shall not exceed the maximum rate permitted in the Bond Sale  
14 Order. Said Bonds shall be payable at such place or places,  
15 within or without the State of Illinois, and may be made  
16 registrable as to either principal only or as to both principal  
17 and interest, as shall be specified in the Bond Sale Order.  
18 Bonds may be callable or subject to purchase and retirement or  
19 remarketing as fixed and determined in the Bond Sale Order.  
20 Bonds (i) except for refunding Bonds satisfying the  
21 requirements of Section 15 of this Act and sold during fiscal  
22 year 2009, 2010, 2011, 2017, 2018, or 2019, must be issued with  
23 principal or mandatory redemption amounts in equal amounts,  
24 with the first maturity issued occurring within the fiscal year  
25 in which the Bonds are issued or within the next succeeding  
26 fiscal year and (ii) must mature or be subject to mandatory

1 redemption each fiscal year thereafter up to 25 years, except  
2 for refunding Bonds satisfying the requirements of Section 15  
3 of this Act and sold during fiscal year 2009, 2010, or 2011  
4 which must mature or be subject to mandatory redemption each  
5 fiscal year thereafter up to 16 years.

6 All Bonds authorized under this Act shall be issued  
7 pursuant to a master trust indenture ("Master Indenture")  
8 executed and delivered on behalf of the State by the Director  
9 of the Governor's Office of Management and Budget, such Master  
10 Indenture to be in substantially the form approved in the Bond  
11 Sale Order authorizing the issuance and sale of the initial  
12 series of Bonds issued under this Act. Such initial series of  
13 Bonds may, and each subsequent series of Bonds shall, also be  
14 issued pursuant to a supplemental trust indenture  
15 ("Supplemental Indenture") executed and delivered on behalf of  
16 the State by the Director of the Governor's Office of  
17 Management and Budget, each such Supplemental Indenture to be  
18 in substantially the form approved in the Bond Sale Order  
19 relating to such series. The Master Indenture and any  
20 Supplemental Indenture shall be entered into with a bank or  
21 trust company in the State of Illinois having trust powers and  
22 possessing capital and surplus of not less than \$100,000,000.  
23 Such indentures shall set forth the terms and conditions of the  
24 Bonds and provide for payment of and security for the Bonds,  
25 including the establishment and maintenance of debt service and  
26 reserve funds, and for other protections for holders of the

1 Bonds. The term "reserve funds" as used in this Act shall  
2 include funds and accounts established under indentures to  
3 provide for the payment of principal of and premium and  
4 interest on Bonds, to provide for the purchase, retirement or  
5 defeasance of Bonds, to provide for fees of trustees,  
6 registrars, paying agents and other fiduciaries and to provide  
7 for payment of costs of and debt service payable in respect of  
8 credit or liquidity enhancement arrangements, interest rate  
9 swaps or guarantees or financial futures contracts and indexing  
10 and remarketing agents' services.

11 In the case of any series of Bonds bearing interest at a  
12 variable interest rate ("Variable Rate Bonds"), in lieu of  
13 determining the rate or rates at which such series of Variable  
14 Rate Bonds shall bear interest and the price or prices at which  
15 such Variable Rate Bonds shall be initially sold or remarketed  
16 (in the event of purchase and subsequent resale), the Bond Sale  
17 Order may provide that such interest rates and prices may vary  
18 from time to time depending on criteria established in such  
19 Bond Sale Order, which criteria may include, without  
20 limitation, references to indices or variations in interest  
21 rates as may, in the judgment of a remarketing agent, be  
22 necessary to cause Bonds of such series to be remarketable from  
23 time to time at a price equal to their principal amount (or  
24 compound accreted value in the case of original issue discount  
25 Bonds), and may provide for appointment of indexing agents and  
26 a bank, trust company, investment bank or other financial

1 institution to serve as remarketing agent in that connection.  
2 The Bond Sale Order may provide that alternative interest rates  
3 or provisions for establishing alternative interest rates,  
4 different security or claim priorities or different call or  
5 amortization provisions will apply during such times as Bonds  
6 of any series are held by a person providing credit or  
7 liquidity enhancement arrangements for such Bonds as  
8 authorized in subsection (b) of Section 6 of this Act.

9 (b) In connection with the issuance of any series of Bonds,  
10 the State may enter into arrangements to provide additional  
11 security and liquidity for such Bonds, including, without  
12 limitation, bond or interest rate insurance or letters of  
13 credit, lines of credit, bond purchase contracts or other  
14 arrangements whereby funds are made available to retire or  
15 purchase Bonds, thereby assuring the ability of owners of the  
16 Bonds to sell or redeem their Bonds. The State may enter into  
17 contracts and may agree to pay fees to persons providing such  
18 arrangements, but only under circumstances where the Director  
19 of the Bureau of the Budget (now Governor's Office of  
20 Management and Budget) certifies that he reasonably expects the  
21 total interest paid or to be paid on the Bonds, together with  
22 the fees for the arrangements (being treated as if interest),  
23 would not, taken together, cause the Bonds to bear interest,  
24 calculated to their stated maturity, at a rate in excess of the  
25 rate which the Bonds would bear in the absence of such  
26 arrangements. Any bonds, notes or other evidences of



1 indebtedness issued pursuant to any such arrangements for the  
2 purpose of retiring and discharging outstanding Bonds shall  
3 constitute refunding Bonds under Section 15 of this Act. The  
4 State may participate in and enter into arrangements with  
5 respect to interest rate swaps or guarantees or financial  
6 futures contracts for the purpose of limiting or restricting  
7 interest rate risk; provided that such arrangements shall be  
8 made with or executed through banks having capital and surplus  
9 of not less than \$100,000,000 or insurance companies holding  
10 the highest policyholder rating accorded insurers by A.M. Best  
11 & Co. or any comparable rating service or government bond  
12 dealers reporting to, trading with, and recognized as primary  
13 dealers by a Federal Reserve Bank and having capital and  
14 surplus of not less than \$100,000,000, or other persons whose  
15 debt securities are rated in the highest long-term categories  
16 by both Moody's Investors' Services, Inc. and Standard & Poor's  
17 Corporation. Agreements incorporating any of the foregoing  
18 arrangements may be executed and delivered by the Director of  
19 the Governor's Office of Management and Budget on behalf of the  
20 State in substantially the form approved in the Bond Sale Order  
21 relating to such Bonds.

22 (c) "Build America Bonds" in this Section means Bonds  
23 authorized by Section 54AA of the Internal Revenue Code of  
24 1986, as amended ("Internal Revenue Code"), and bonds issued  
25 from time to time to refund or continue to refund "Build  
26 America Bonds".

1 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;  
2 100-587, eff. 6-4-18; 101-30, eff. 6-28-19.)

3 (30 ILCS 425/8) (from Ch. 127, par. 2808)

4 Sec. 8. Sale of Bonds. Bonds, except as otherwise provided  
5 in this Section, shall be sold from time to time pursuant to  
6 notice of sale and public bid or by negotiated sale in such  
7 amounts and at such times as are directed by the Governor, upon  
8 recommendation by the Director of the Governor's Office of  
9 Management and Budget. At least 25%, based on total principal  
10 amount, of all Bonds issued each fiscal year shall be sold  
11 pursuant to notice of sale and public bid. At all times during  
12 each fiscal year, no more than 75%, based on total principal  
13 amount, of the Bonds issued each fiscal year shall have been  
14 sold by negotiated sale. Failure to satisfy the requirements in  
15 the preceding 2 sentences shall not affect the validity of any  
16 previously issued Bonds; and further provided that refunding  
17 Bonds satisfying the requirements of Section 15 of this Act and  
18 sold during fiscal year 2009, 2010, 2011, 2017, 2018, or 2019  
19 shall not be subject to the requirements in the preceding 2  
20 sentences.

21 If any Bonds are to be sold pursuant to notice of sale and  
22 public bid, the Director of the Governor's Office of Management  
23 and Budget shall comply with the competitive request for  
24 proposal process set forth in the Illinois Procurement Code and  
25 all other applicable requirements of that Code.

1           If Bonds are to be sold pursuant to notice of sale and  
2 public bid, the Director of the Governor's Office of Management  
3 and Budget may, from time to time, as Bonds are to be sold,  
4 advertise the sale of the Bonds in at least 2 daily newspapers,  
5 one of which is published in the City of Springfield and one in  
6 the City of Chicago. The sale of the Bonds shall also be  
7 advertised in the volume of the Illinois Procurement Bulletin  
8 that is published by the Department of Central Management  
9 Services, and shall be published once at least 10 days prior to  
10 the date fixed for the opening of the bids. The Director of the  
11 Governor's Office of Management and Budget may reschedule the  
12 date of sale upon the giving of such additional notice as the  
13 Director deems adequate to inform prospective bidders of the  
14 change; provided, however, that all other conditions of the  
15 sale shall continue as originally advertised. Executed Bonds  
16 shall, upon payment therefor, be delivered to the purchaser,  
17 and the proceeds of Bonds shall be paid into the State Treasury  
18 as directed by Section 9 of this Act. The Governor or the  
19 Director of the Governor's Office of Management and Budget is  
20 hereby authorized and directed to execute and deliver contracts  
21 of sale with underwriters and to execute and deliver such  
22 certificates, indentures, agreements and documents, including  
23 any supplements or amendments thereto, and to take such actions  
24 and do such things as shall be necessary or desirable to carry  
25 out the purposes of this Act. Any action authorized or  
26 permitted to be taken by the Director of the Governor's Office

1 of Management and Budget pursuant to this Act is hereby  
2 authorized to be taken by any person specifically designated by  
3 the Governor to take such action in a certificate signed by the  
4 Governor and filed with the Secretary of State.

5 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;  
6 100-587, eff. 6-4-18; 101-30, eff. 6-28-19.)

7 Section 5-20. The Regional Transportation Authority Act is  
8 amended by changing Section 2.32 as follows:

9 (70 ILCS 3615/2.32)

10 Sec. 2.32. Clean/green vehicles. Any vehicles purchased  
11 from funds made available to the Authority from the  
12 Transportation Bond, Series B Fund ~~or the Multi-modal~~  
13 ~~Transportation Bond Fund~~ must incorporate clean/green  
14 technologies and alternative fuel technologies, to the extent  
15 practical.

16 (Source: P.A. 96-8, eff. 4-28-09; 101-30, eff. 6-28-19.)

17 Article 10.

18 (35 ILCS 185/Act rep.)

19 Section 10-1. The Leveling the Playing Field for Illinois  
20 Retail Act is repealed.

21 (35 ILCS 525/Act rep.)

1 Section 10-2. The Parking Excise Tax Act is repealed.

2 Section 10-5. The Illinois Administrative Procedure Act is  
3 amended by changing Section 5-45 as follows:

4 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

5 Sec. 5-45. Emergency rulemaking.

6 (a) "Emergency" means the existence of any situation that  
7 any agency finds reasonably constitutes a threat to the public  
8 interest, safety, or welfare.

9 (b) If any agency finds that an emergency exists that  
10 requires adoption of a rule upon fewer days than is required by  
11 Section 5-40 and states in writing its reasons for that  
12 finding, the agency may adopt an emergency rule without prior  
13 notice or hearing upon filing a notice of emergency rulemaking  
14 with the Secretary of State under Section 5-70. The notice  
15 shall include the text of the emergency rule and shall be  
16 published in the Illinois Register. Consent orders or other  
17 court orders adopting settlements negotiated by an agency may  
18 be adopted under this Section. Subject to applicable  
19 constitutional or statutory provisions, an emergency rule  
20 becomes effective immediately upon filing under Section 5-65 or  
21 at a stated date less than 10 days thereafter. The agency's  
22 finding and a statement of the specific reasons for the finding  
23 shall be filed with the rule. The agency shall take reasonable  
24 and appropriate measures to make emergency rules known to the

1 persons who may be affected by them.

2 (c) An emergency rule may be effective for a period of not  
3 longer than 150 days, but the agency's authority to adopt an  
4 identical rule under Section 5-40 is not precluded. No  
5 emergency rule may be adopted more than once in any 24-month  
6 period, except that this limitation on the number of emergency  
7 rules that may be adopted in a 24-month period does not apply  
8 to (i) emergency rules that make additions to and deletions  
9 from the Drug Manual under Section 5-5.16 of the Illinois  
10 Public Aid Code or the generic drug formulary under Section  
11 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
12 emergency rules adopted by the Pollution Control Board before  
13 July 1, 1997 to implement portions of the Livestock Management  
14 Facilities Act, (iii) emergency rules adopted by the Illinois  
15 Department of Public Health under subsections (a) through (i)  
16 of Section 2 of the Department of Public Health Act when  
17 necessary to protect the public's health, (iv) emergency rules  
18 adopted pursuant to subsection (n) of this Section, (v)  
19 emergency rules adopted pursuant to subsection (o) of this  
20 Section, or (vi) emergency rules adopted pursuant to subsection  
21 (c-5) of this Section. Two or more emergency rules having  
22 substantially the same purpose and effect shall be deemed to be  
23 a single rule for purposes of this Section.

24 (c-5) To facilitate the maintenance of the program of group  
25 health benefits provided to annuitants, survivors, and retired  
26 employees under the State Employees Group Insurance Act of

1 1971, rules to alter the contributions to be paid by the State,  
2 annuitants, survivors, retired employees, or any combination  
3 of those entities, for that program of group health benefits,  
4 shall be adopted as emergency rules. The adoption of those  
5 rules shall be considered an emergency and necessary for the  
6 public interest, safety, and welfare.

7 (d) In order to provide for the expeditious and timely  
8 implementation of the State's fiscal year 1999 budget,  
9 emergency rules to implement any provision of Public Act 90-587  
10 or 90-588 or any other budget initiative for fiscal year 1999  
11 may be adopted in accordance with this Section by the agency  
12 charged with administering that provision or initiative,  
13 except that the 24-month limitation on the adoption of  
14 emergency rules and the provisions of Sections 5-115 and 5-125  
15 do not apply to rules adopted under this subsection (d). The  
16 adoption of emergency rules authorized by this subsection (d)  
17 shall be deemed to be necessary for the public interest,  
18 safety, and welfare.

19 (e) In order to provide for the expeditious and timely  
20 implementation of the State's fiscal year 2000 budget,  
21 emergency rules to implement any provision of Public Act 91-24  
22 or any other budget initiative for fiscal year 2000 may be  
23 adopted in accordance with this Section by the agency charged  
24 with administering that provision or initiative, except that  
25 the 24-month limitation on the adoption of emergency rules and  
26 the provisions of Sections 5-115 and 5-125 do not apply to

1 rules adopted under this subsection (e). The adoption of  
2 emergency rules authorized by this subsection (e) shall be  
3 deemed to be necessary for the public interest, safety, and  
4 welfare.

5 (f) In order to provide for the expeditious and timely  
6 implementation of the State's fiscal year 2001 budget,  
7 emergency rules to implement any provision of Public Act 91-712  
8 or any other budget initiative for fiscal year 2001 may be  
9 adopted in accordance with this Section by the agency charged  
10 with administering that provision or initiative, except that  
11 the 24-month limitation on the adoption of emergency rules and  
12 the provisions of Sections 5-115 and 5-125 do not apply to  
13 rules adopted under this subsection (f). The adoption of  
14 emergency rules authorized by this subsection (f) shall be  
15 deemed to be necessary for the public interest, safety, and  
16 welfare.

17 (g) In order to provide for the expeditious and timely  
18 implementation of the State's fiscal year 2002 budget,  
19 emergency rules to implement any provision of Public Act 92-10  
20 or any other budget initiative for fiscal year 2002 may be  
21 adopted in accordance with this Section by the agency charged  
22 with administering that provision or initiative, except that  
23 the 24-month limitation on the adoption of emergency rules and  
24 the provisions of Sections 5-115 and 5-125 do not apply to  
25 rules adopted under this subsection (g). The adoption of  
26 emergency rules authorized by this subsection (g) shall be



1 deemed to be necessary for the public interest, safety, and  
2 welfare.

3 (h) In order to provide for the expeditious and timely  
4 implementation of the State's fiscal year 2003 budget,  
5 emergency rules to implement any provision of Public Act 92-597  
6 or any other budget initiative for fiscal year 2003 may be  
7 adopted in accordance with this Section by the agency charged  
8 with administering that provision or initiative, except that  
9 the 24-month limitation on the adoption of emergency rules and  
10 the provisions of Sections 5-115 and 5-125 do not apply to  
11 rules adopted under this subsection (h). The adoption of  
12 emergency rules authorized by this subsection (h) shall be  
13 deemed to be necessary for the public interest, safety, and  
14 welfare.

15 (i) In order to provide for the expeditious and timely  
16 implementation of the State's fiscal year 2004 budget,  
17 emergency rules to implement any provision of Public Act 93-20  
18 or any other budget initiative for fiscal year 2004 may be  
19 adopted in accordance with this Section by the agency charged  
20 with administering that provision or initiative, except that  
21 the 24-month limitation on the adoption of emergency rules and  
22 the provisions of Sections 5-115 and 5-125 do not apply to  
23 rules adopted under this subsection (i). The adoption of  
24 emergency rules authorized by this subsection (i) shall be  
25 deemed to be necessary for the public interest, safety, and  
26 welfare.

1           (j) In order to provide for the expeditious and timely  
2 implementation of the provisions of the State's fiscal year  
3 2005 budget as provided under the Fiscal Year 2005 Budget  
4 Implementation (Human Services) Act, emergency rules to  
5 implement any provision of the Fiscal Year 2005 Budget  
6 Implementation (Human Services) Act may be adopted in  
7 accordance with this Section by the agency charged with  
8 administering that provision, except that the 24-month  
9 limitation on the adoption of emergency rules and the  
10 provisions of Sections 5-115 and 5-125 do not apply to rules  
11 adopted under this subsection (j). The Department of Public Aid  
12 may also adopt rules under this subsection (j) necessary to  
13 administer the Illinois Public Aid Code and the Children's  
14 Health Insurance Program Act. The adoption of emergency rules  
15 authorized by this subsection (j) shall be deemed to be  
16 necessary for the public interest, safety, and welfare.

17           (k) In order to provide for the expeditious and timely  
18 implementation of the provisions of the State's fiscal year  
19 2006 budget, emergency rules to implement any provision of  
20 Public Act 94-48 or any other budget initiative for fiscal year  
21 2006 may be adopted in accordance with this Section by the  
22 agency charged with administering that provision or  
23 initiative, except that the 24-month limitation on the adoption  
24 of emergency rules and the provisions of Sections 5-115 and  
25 5-125 do not apply to rules adopted under this subsection (k).  
26 The Department of Healthcare and Family Services may also adopt

1 rules under this subsection (k) necessary to administer the  
2 Illinois Public Aid Code, the Senior Citizens and Persons with  
3 Disabilities Property Tax Relief Act, the Senior Citizens and  
4 Disabled Persons Prescription Drug Discount Program Act (now  
5 the Illinois Prescription Drug Discount Program Act), and the  
6 Children's Health Insurance Program Act. The adoption of  
7 emergency rules authorized by this subsection (k) shall be  
8 deemed to be necessary for the public interest, safety, and  
9 welfare.

10 (l) In order to provide for the expeditious and timely  
11 implementation of the provisions of the State's fiscal year  
12 2007 budget, the Department of Healthcare and Family Services  
13 may adopt emergency rules during fiscal year 2007, including  
14 rules effective July 1, 2007, in accordance with this  
15 subsection to the extent necessary to administer the  
16 Department's responsibilities with respect to amendments to  
17 the State plans and Illinois waivers approved by the federal  
18 Centers for Medicare and Medicaid Services necessitated by the  
19 requirements of Title XIX and Title XXI of the federal Social  
20 Security Act. The adoption of emergency rules authorized by  
21 this subsection (l) shall be deemed to be necessary for the  
22 public interest, safety, and welfare.

23 (m) In order to provide for the expeditious and timely  
24 implementation of the provisions of the State's fiscal year  
25 2008 budget, the Department of Healthcare and Family Services  
26 may adopt emergency rules during fiscal year 2008, including

1 rules effective July 1, 2008, in accordance with this  
2 subsection to the extent necessary to administer the  
3 Department's responsibilities with respect to amendments to  
4 the State plans and Illinois waivers approved by the federal  
5 Centers for Medicare and Medicaid Services necessitated by the  
6 requirements of Title XIX and Title XXI of the federal Social  
7 Security Act. The adoption of emergency rules authorized by  
8 this subsection (m) shall be deemed to be necessary for the  
9 public interest, safety, and welfare.

10 (n) In order to provide for the expeditious and timely  
11 implementation of the provisions of the State's fiscal year  
12 2010 budget, emergency rules to implement any provision of  
13 Public Act 96-45 or any other budget initiative authorized by  
14 the 96th General Assembly for fiscal year 2010 may be adopted  
15 in accordance with this Section by the agency charged with  
16 administering that provision or initiative. The adoption of  
17 emergency rules authorized by this subsection (n) shall be  
18 deemed to be necessary for the public interest, safety, and  
19 welfare. The rulemaking authority granted in this subsection  
20 (n) shall apply only to rules promulgated during Fiscal Year  
21 2010.

22 (o) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2011 budget, emergency rules to implement any provision of  
25 Public Act 96-958 or any other budget initiative authorized by  
26 the 96th General Assembly for fiscal year 2011 may be adopted

1 in accordance with this Section by the agency charged with  
2 administering that provision or initiative. The adoption of  
3 emergency rules authorized by this subsection (o) is deemed to  
4 be necessary for the public interest, safety, and welfare. The  
5 rulemaking authority granted in this subsection (o) applies  
6 only to rules promulgated on or after July 1, 2010 (the  
7 effective date of Public Act 96-958) through June 30, 2011.

8 (p) In order to provide for the expeditious and timely  
9 implementation of the provisions of Public Act 97-689,  
10 emergency rules to implement any provision of Public Act 97-689  
11 may be adopted in accordance with this subsection (p) by the  
12 agency charged with administering that provision or  
13 initiative. The 150-day limitation of the effective period of  
14 emergency rules does not apply to rules adopted under this  
15 subsection (p), and the effective period may continue through  
16 June 30, 2013. The 24-month limitation on the adoption of  
17 emergency rules does not apply to rules adopted under this  
18 subsection (p). The adoption of emergency rules authorized by  
19 this subsection (p) is deemed to be necessary for the public  
20 interest, safety, and welfare.

21 (q) In order to provide for the expeditious and timely  
22 implementation of the provisions of Articles 7, 8, 9, 11, and  
23 12 of Public Act 98-104, emergency rules to implement any  
24 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
25 may be adopted in accordance with this subsection (q) by the  
26 agency charged with administering that provision or

1 initiative. The 24-month limitation on the adoption of  
2 emergency rules does not apply to rules adopted under this  
3 subsection (q). The adoption of emergency rules authorized by  
4 this subsection (q) is deemed to be necessary for the public  
5 interest, safety, and welfare.

6 (r) In order to provide for the expeditious and timely  
7 implementation of the provisions of Public Act 98-651,  
8 emergency rules to implement Public Act 98-651 may be adopted  
9 in accordance with this subsection (r) by the Department of  
10 Healthcare and Family Services. The 24-month limitation on the  
11 adoption of emergency rules does not apply to rules adopted  
12 under this subsection (r). The adoption of emergency rules  
13 authorized by this subsection (r) is deemed to be necessary for  
14 the public interest, safety, and welfare.

15 (s) In order to provide for the expeditious and timely  
16 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
17 the Illinois Public Aid Code, emergency rules to implement any  
18 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
19 Public Aid Code may be adopted in accordance with this  
20 subsection (s) by the Department of Healthcare and Family  
21 Services. The rulemaking authority granted in this subsection  
22 (s) shall apply only to those rules adopted prior to July 1,  
23 2015. Notwithstanding any other provision of this Section, any  
24 emergency rule adopted under this subsection (s) shall only  
25 apply to payments made for State fiscal year 2015. The adoption  
26 of emergency rules authorized by this subsection (s) is deemed

1 to be necessary for the public interest, safety, and welfare.

2 (t) In order to provide for the expeditious and timely  
3 implementation of the provisions of Article II of Public Act  
4 99-6, emergency rules to implement the changes made by Article  
5 II of Public Act 99-6 to the Emergency Telephone System Act may  
6 be adopted in accordance with this subsection (t) by the  
7 Department of State Police. The rulemaking authority granted in  
8 this subsection (t) shall apply only to those rules adopted  
9 prior to July 1, 2016. The 24-month limitation on the adoption  
10 of emergency rules does not apply to rules adopted under this  
11 subsection (t). The adoption of emergency rules authorized by  
12 this subsection (t) is deemed to be necessary for the public  
13 interest, safety, and welfare.

14 (u) In order to provide for the expeditious and timely  
15 implementation of the provisions of the Burn Victims Relief  
16 Act, emergency rules to implement any provision of the Act may  
17 be adopted in accordance with this subsection (u) by the  
18 Department of Insurance. The rulemaking authority granted in  
19 this subsection (u) shall apply only to those rules adopted  
20 prior to December 31, 2015. The adoption of emergency rules  
21 authorized by this subsection (u) is deemed to be necessary for  
22 the public interest, safety, and welfare.

23 (v) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 99-516,  
25 emergency rules to implement Public Act 99-516 may be adopted  
26 in accordance with this subsection (v) by the Department of

1 Healthcare and Family Services. The 24-month limitation on the  
2 adoption of emergency rules does not apply to rules adopted  
3 under this subsection (v). The adoption of emergency rules  
4 authorized by this subsection (v) is deemed to be necessary for  
5 the public interest, safety, and welfare.

6 (w) In order to provide for the expeditious and timely  
7 implementation of the provisions of Public Act 99-796,  
8 emergency rules to implement the changes made by Public Act  
9 99-796 may be adopted in accordance with this subsection (w) by  
10 the Adjutant General. The adoption of emergency rules  
11 authorized by this subsection (w) is deemed to be necessary for  
12 the public interest, safety, and welfare.

13 (x) In order to provide for the expeditious and timely  
14 implementation of the provisions of Public Act 99-906,  
15 emergency rules to implement subsection (i) of Section 16-115D,  
16 subsection (g) of Section 16-128A, and subsection (a) of  
17 Section 16-128B of the Public Utilities Act may be adopted in  
18 accordance with this subsection (x) by the Illinois Commerce  
19 Commission. The rulemaking authority granted in this  
20 subsection (x) shall apply only to those rules adopted within  
21 180 days after June 1, 2017 (the effective date of Public Act  
22 99-906). The adoption of emergency rules authorized by this  
23 subsection (x) is deemed to be necessary for the public  
24 interest, safety, and welfare.

25 (y) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 100-23,



1 emergency rules to implement the changes made by Public Act  
2 100-23 to Section 4.02 of the Illinois Act on the Aging,  
3 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
4 Section 55-30 of the Alcoholism and Other Drug Abuse and  
5 Dependency Act, and Sections 74 and 75 of the Mental Health and  
6 Developmental Disabilities Administrative Act may be adopted  
7 in accordance with this subsection (y) by the respective  
8 Department. The adoption of emergency rules authorized by this  
9 subsection (y) is deemed to be necessary for the public  
10 interest, safety, and welfare.

11 (z) In order to provide for the expeditious and timely  
12 implementation of the provisions of Public Act 100-554,  
13 emergency rules to implement the changes made by Public Act  
14 100-554 to Section 4.7 of the Lobbyist Registration Act may be  
15 adopted in accordance with this subsection (z) by the Secretary  
16 of State. The adoption of emergency rules authorized by this  
17 subsection (z) is deemed to be necessary for the public  
18 interest, safety, and welfare.

19 (aa) In order to provide for the expeditious and timely  
20 initial implementation of the changes made to Articles 5, 5A,  
21 12, and 14 of the Illinois Public Aid Code under the provisions  
22 of Public Act 100-581, the Department of Healthcare and Family  
23 Services may adopt emergency rules in accordance with this  
24 subsection (aa). The 24-month limitation on the adoption of  
25 emergency rules does not apply to rules to initially implement  
26 the changes made to Articles 5, 5A, 12, and 14 of the Illinois

1 Public Aid Code adopted under this subsection (aa). The  
2 adoption of emergency rules authorized by this subsection (aa)  
3 is deemed to be necessary for the public interest, safety, and  
4 welfare.

5 (bb) In order to provide for the expeditious and timely  
6 implementation of the provisions of Public Act 100-587,  
7 emergency rules to implement the changes made by Public Act  
8 100-587 to Section 4.02 of the Illinois Act on the Aging,  
9 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
10 subsection (b) of Section 55-30 of the Alcoholism and Other  
11 Drug Abuse and Dependency Act, Section 5-104 of the Specialized  
12 Mental Health Rehabilitation Act of 2013, and Section 75 and  
13 subsection (b) of Section 74 of the Mental Health and  
14 Developmental Disabilities Administrative Act may be adopted  
15 in accordance with this subsection (bb) by the respective  
16 Department. The adoption of emergency rules authorized by this  
17 subsection (bb) is deemed to be necessary for the public  
18 interest, safety, and welfare.

19 (cc) In order to provide for the expeditious and timely  
20 implementation of the provisions of Public Act 100-587,  
21 emergency rules may be adopted in accordance with this  
22 subsection (cc) to implement the changes made by Public Act  
23 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
24 Pension Code by the Board created under Article 14 of the Code;  
25 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
26 the Board created under Article 15 of the Code; and Sections

1 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board  
2 created under Article 16 of the Code. The adoption of emergency  
3 rules authorized by this subsection (cc) is deemed to be  
4 necessary for the public interest, safety, and welfare.

5 (dd) In order to provide for the expeditious and timely  
6 implementation of the provisions of Public Act 100-864,  
7 emergency rules to implement the changes made by Public Act  
8 100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
9 may be adopted in accordance with this subsection (dd) by the  
10 Secretary of State. The adoption of emergency rules authorized  
11 by this subsection (dd) is deemed to be necessary for the  
12 public interest, safety, and welfare.

13 (ee) In order to provide for the expeditious and timely  
14 implementation of the provisions of Public Act 100-1172,  
15 emergency rules implementing the Illinois Underground Natural  
16 Gas Storage Safety Act may be adopted in accordance with this  
17 subsection by the Department of Natural Resources. The adoption  
18 of emergency rules authorized by this subsection is deemed to  
19 be necessary for the public interest, safety, and welfare.

20 (ff) In order to provide for the expeditious and timely  
21 initial implementation of the changes made to Articles 5A and  
22 14 of the Illinois Public Aid Code under the provisions of  
23 Public Act 100-1181, the Department of Healthcare and Family  
24 Services may on a one-time-only basis adopt emergency rules in  
25 accordance with this subsection (ff). The 24-month limitation  
26 on the adoption of emergency rules does not apply to rules to

1 initially implement the changes made to Articles 5A and 14 of  
2 the Illinois Public Aid Code adopted under this subsection  
3 (ff). The adoption of emergency rules authorized by this  
4 subsection (ff) is deemed to be necessary for the public  
5 interest, safety, and welfare.

6 (gg) In order to provide for the expeditious and timely  
7 implementation of the provisions of Public Act 101-1, emergency  
8 rules may be adopted by the Department of Labor in accordance  
9 with this subsection (gg) to implement the changes made by  
10 Public Act 101-1 to the Minimum Wage Law. The adoption of  
11 emergency rules authorized by this subsection (gg) is deemed to  
12 be necessary for the public interest, safety, and welfare.

13 (hh) In order to provide for the expeditious and timely  
14 implementation of the provisions of Public Act 101-10,  
15 emergency rules may be adopted in accordance with this  
16 subsection (hh) to implement the changes made by Public Act  
17 101-10 to subsection (j) of Section 5-5.2 of the Illinois  
18 Public Aid Code. The adoption of emergency rules authorized by  
19 this subsection (hh) is deemed to be necessary for the public  
20 interest, safety, and welfare.

21 (ii) In order to provide for the expeditious and timely  
22 implementation of the provisions of Public Act 101-10,  
23 emergency rules to implement the changes made by Public Act  
24 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid  
25 Code may be adopted in accordance with this subsection (ii) by  
26 the Department of Public Health. The adoption of emergency

1 rules authorized by this subsection (ii) is deemed to be  
2 necessary for the public interest, safety, and welfare.

3 (jj) In order to provide for the expeditious and timely  
4 implementation of the provisions of Public Act 101-10,  
5 emergency rules to implement the changes made by Public Act  
6 101-10 to Section 74 of the Mental Health and Developmental  
7 Disabilities Administrative Act may be adopted in accordance  
8 with this subsection (jj) by the Department of Human Services.  
9 The adoption of emergency rules authorized by this subsection  
10 (jj) is deemed to be necessary for the public interest, safety,  
11 and welfare.

12 (kk) In order to provide for the expeditious and timely  
13 implementation of the Cannabis Regulation and Tax Act and  
14 Public Act 101-27, the Department of Revenue, the Department of  
15 Public Health, the Department of Agriculture, the Department of  
16 State Police, and the Department of Financial and Professional  
17 Regulation may adopt emergency rules in accordance with this  
18 subsection (kk). The rulemaking authority granted in this  
19 subsection (kk) shall apply only to rules adopted before  
20 December 31, 2021. Notwithstanding the provisions of  
21 subsection (c), emergency rules adopted under this subsection  
22 (kk) shall be effective for 180 days. The adoption of emergency  
23 rules authorized by this subsection (kk) is deemed to be  
24 necessary for the public interest, safety, and welfare.

25 (ll) (Blank). ~~In order to provide for the expeditious and~~  
26 ~~timely implementation of the provisions of the Leveling the~~

1 ~~Playing Field for Illinois Retail Act, emergency rules may be~~  
2 ~~adopted in accordance with this subsection (ll) to implement~~  
3 ~~the changes made by the Leveling the Playing Field for Illinois~~  
4 ~~Retail Act. The adoption of emergency rules authorized by this~~  
5 ~~subsection (ll) is deemed to be necessary for the public~~  
6 ~~interest, safety, and welfare.~~

7 (mm) (Blank). ~~In order to provide for the expeditious and~~  
8 ~~timely implementation of the provisions of Section 25-70 of the~~  
9 ~~Sports Wagering Act, emergency rules to implement Section 25-70~~  
10 ~~of the Sports Wagering Act may be adopted in accordance with~~  
11 ~~this subsection (mm) by the Department of the Lottery as~~  
12 ~~provided in the Sports Wagering Act. The adoption of emergency~~  
13 ~~rules authorized by this subsection (mm) is deemed to be~~  
14 ~~necessary for the public interest, safety, and welfare.~~

15 (nn) (Blank). ~~In order to provide for the expeditious and~~  
16 ~~timely implementation of the Sports Wagering Act, emergency~~  
17 ~~rules to implement the Sports Wagering Act may be adopted in~~  
18 ~~accordance with this subsection (nn) by the Illinois Gaming~~  
19 ~~Board. The adoption of emergency rules authorized by this~~  
20 ~~subsection (nn) is deemed to be necessary for the public~~  
21 ~~interest, safety, and welfare.~~

22 (oo) (Blank). ~~In order to provide for the expeditious and~~  
23 ~~timely implementation of the provisions of subsection (c) of~~  
24 ~~Section 20 of the Video Gaming Act, emergency rules to~~  
25 ~~implement the provisions of subsection (c) of Section 20 of the~~  
26 ~~Video Gaming Act may be adopted in accordance with this~~

1 ~~subsection (oo) by the Illinois Gaming Board. The adoption of~~  
2 ~~emergency rules authorized by this subsection (oo) is deemed to~~  
3 ~~be necessary for the public interest, safety, and welfare.~~

4 (pp) In order to provide for the expeditious and timely  
5 implementation of the provisions of Section 50 of the Sexual  
6 Assault Evidence Submission Act, emergency rules to implement  
7 Section 50 of the Sexual Assault Evidence Submission Act may be  
8 adopted in accordance with this subsection (pp) by the  
9 Department of State Police. The adoption of emergency rules  
10 authorized by this subsection (pp) is deemed to be necessary  
11 for the public interest, safety, and welfare.

12 (qq) In order to provide for the expeditious and timely  
13 implementation of the provisions of the Illinois Works Jobs  
14 Program Act, emergency rules may be adopted in accordance with  
15 this subsection (qq) to implement the Illinois Works Jobs  
16 Program Act. The adoption of emergency rules authorized by this  
17 subsection (qq) is deemed to be necessary for the public  
18 interest, safety, and welfare.

19 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;  
20 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.  
21 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;  
22 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.  
23 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,  
24 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;  
25 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.  
26 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;

1 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.  
2 8-16-19; 101-601, eff. 12-10-19.)

3 (20 ILCS 605/605-1025 rep.)

4 Section 10-10. The Department of Commerce and Economic  
5 Opportunity Law of the Civil Administrative Code of Illinois is  
6 amended by repealing Section 605-1025, as added by Public Act  
7 101-31.

8 (30 ILCS 105/5.891 rep.)

9 (30 ILCS 105/5.893 rep.)

10 (30 ILCS 105/5.894 rep.)

11 Section 10-20. The State Finance Act is amended by  
12 repealing Sections 5.891, 5.893, and 5.894, all as added by  
13 Public Act 101-31.

14 (35 ILCS 5/229 rep.)

15 Section 10-25. The Illinois Income Tax Act is amended by  
16 repealing Section 229, as added by Public Act 101-31.

17 Section 10-30. The Use Tax Act is amended by changing  
18 Sections 2 and 3-5 as follows:

19 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

20 Sec. 2. Definitions.

21 "Use" means the exercise by any person of any right or



1 power over tangible personal property incident to the ownership  
2 of that property, except that it does not include the sale of  
3 such property in any form as tangible personal property in the  
4 regular course of business to the extent that such property is  
5 not first subjected to a use for which it was purchased, and  
6 does not include the use of such property by its owner for  
7 demonstration purposes: Provided that the property purchased  
8 is deemed to be purchased for the purpose of resale, despite  
9 first being used, to the extent to which it is resold as an  
10 ingredient of an intentionally produced product or by-product  
11 of manufacturing. "Use" does not mean the demonstration use or  
12 interim use of tangible personal property by a retailer before  
13 he sells that tangible personal property. For watercraft or  
14 aircraft, if the period of demonstration use or interim use by  
15 the retailer exceeds 18 months, the retailer shall pay on the  
16 retailers' original cost price the tax imposed by this Act, and  
17 no credit for that tax is permitted if the watercraft or  
18 aircraft is subsequently sold by the retailer. "Use" does not  
19 mean the physical incorporation of tangible personal property,  
20 to the extent not first subjected to a use for which it was  
21 purchased, as an ingredient or constituent, into other tangible  
22 personal property (a) which is sold in the regular course of  
23 business or (b) which the person incorporating such ingredient  
24 or constituent therein has undertaken at the time of such  
25 purchase to cause to be transported in interstate commerce to  
26 destinations outside the State of Illinois: Provided that the

1 property purchased is deemed to be purchased for the purpose of  
2 resale, despite first being used, to the extent to which it is  
3 resold as an ingredient of an intentionally produced product or  
4 by-product of manufacturing.

5 "Watercraft" means a Class 2, Class 3, or Class 4  
6 watercraft as defined in Section 3-2 of the Boat Registration  
7 and Safety Act, a personal watercraft, or any boat equipped  
8 with an inboard motor.

9 "Purchase at retail" means the acquisition of the ownership  
10 of or title to tangible personal property through a sale at  
11 retail.

12 "Purchaser" means anyone who, through a sale at retail,  
13 acquires the ownership of tangible personal property for a  
14 valuable consideration.

15 "Sale at retail" means any transfer of the ownership of or  
16 title to tangible personal property to a purchaser, for the  
17 purpose of use, and not for the purpose of resale in any form  
18 as tangible personal property to the extent not first subjected  
19 to a use for which it was purchased, for a valuable  
20 consideration: Provided that the property purchased is deemed  
21 to be purchased for the purpose of resale, despite first being  
22 used, to the extent to which it is resold as an ingredient of  
23 an intentionally produced product or by-product of  
24 manufacturing. For this purpose, slag produced as an incident  
25 to manufacturing pig iron or steel and sold is considered to be  
26 an intentionally produced by-product of manufacturing. "Sale

1 at retail" includes any such transfer made for resale unless  
2 made in compliance with Section 2c of the Retailers' Occupation  
3 Tax Act, as incorporated by reference into Section 12 of this  
4 Act. Transactions whereby the possession of the property is  
5 transferred but the seller retains the title as security for  
6 payment of the selling price are sales.

7 "Sale at retail" shall also be construed to include any  
8 Illinois florist's sales transaction in which the purchase  
9 order is received in Illinois by a florist and the sale is for  
10 use or consumption, but the Illinois florist has a florist in  
11 another state deliver the property to the purchaser or the  
12 purchaser's donee in such other state.

13 Nonreusable tangible personal property that is used by  
14 persons engaged in the business of operating a restaurant,  
15 cafeteria, or drive-in is a sale for resale when it is  
16 transferred to customers in the ordinary course of business as  
17 part of the sale of food or beverages and is used to deliver,  
18 package, or consume food or beverages, regardless of where  
19 consumption of the food or beverages occurs. Examples of those  
20 items include, but are not limited to nonreusable, paper and  
21 plastic cups, plates, baskets, boxes, sleeves, buckets or other  
22 containers, utensils, straws, placemats, napkins, doggie bags,  
23 and wrapping or packaging materials that are transferred to  
24 customers as part of the sale of food or beverages in the  
25 ordinary course of business.

26 The purchase, employment and transfer of such tangible

1 personal property as newsprint and ink for the primary purpose  
2 of conveying news (with or without other information) is not a  
3 purchase, use or sale of tangible personal property.

4 "Selling price" means the consideration for a sale valued  
5 in money whether received in money or otherwise, including  
6 cash, credits, property other than as hereinafter provided, and  
7 services, but, ~~prior to January 1, 2020,~~ not including the  
8 value of or credit given for traded-in tangible personal  
9 property where the item that is traded-in is of like kind and  
10 character as that which is being sold; ~~beginning January 1,~~  
11 ~~2020, "selling price" includes the portion of the value of or~~  
12 ~~credit given for traded in motor vehicles of the First Division~~  
13 ~~as defined in Section 1-146 of the Illinois Vehicle Code of~~  
14 ~~like kind and character as that which is being sold that~~  
15 ~~exceeds \$10,000. "Selling price", and shall be determined~~  
16 without any deduction on account of the cost of the property  
17 sold, the cost of materials used, labor or service cost or any  
18 other expense whatsoever, but does not include interest or  
19 finance charges which appear as separate items on the bill of  
20 sale or sales contract nor charges that are added to prices by  
21 sellers on account of the seller's tax liability under the  
22 "Retailers' Occupation Tax Act", or on account of the seller's  
23 duty to collect, from the purchaser, the tax that is imposed by  
24 this Act, or, except as otherwise provided with respect to any  
25 cigarette tax imposed by a home rule unit, on account of the  
26 seller's tax liability under any local occupation tax

1 administered by the Department, or, except as otherwise  
2 provided with respect to any cigarette tax imposed by a home  
3 rule unit on account of the seller's duty to collect, from the  
4 purchasers, the tax that is imposed under any local use tax  
5 administered by the Department. Effective December 1, 1985,  
6 "selling price" shall include charges that are added to prices  
7 by sellers on account of the seller's tax liability under the  
8 Cigarette Tax Act, on account of the seller's duty to collect,  
9 from the purchaser, the tax imposed under the Cigarette Use Tax  
10 Act, and on account of the seller's duty to collect, from the  
11 purchaser, any cigarette tax imposed by a home rule unit.

12 Notwithstanding any law to the contrary, for any motor  
13 vehicle, as defined in Section 1-146 of the Vehicle Code, that  
14 is sold on or after January 1, 2015 for the purpose of leasing  
15 the vehicle for a defined period that is longer than one year  
16 and (1) is a motor vehicle of the second division that: (A) is  
17 a self-contained motor vehicle designed or permanently  
18 converted to provide living quarters for recreational,  
19 camping, or travel use, with direct walk through access to the  
20 living quarters from the driver's seat; (B) is of the van  
21 configuration designed for the transportation of not less than  
22 7 nor more than 16 passengers; or (C) has a gross vehicle  
23 weight rating of 8,000 pounds or less or (2) is a motor vehicle  
24 of the first division, "selling price" or "amount of sale"  
25 means the consideration received by the lessor pursuant to the  
26 lease contract, including amounts due at lease signing and all

1 monthly or other regular payments charged over the term of the  
2 lease. Also included in the selling price is any amount  
3 received by the lessor from the lessee for the leased vehicle  
4 that is not calculated at the time the lease is executed,  
5 including, but not limited to, excess mileage charges and  
6 charges for excess wear and tear. For sales that occur in  
7 Illinois, with respect to any amount received by the lessor  
8 from the lessee for the leased vehicle that is not calculated  
9 at the time the lease is executed, the lessor who purchased the  
10 motor vehicle does not incur the tax imposed by the Use Tax Act  
11 on those amounts, and the retailer who makes the retail sale of  
12 the motor vehicle to the lessor is not required to collect the  
13 tax imposed by this Act or to pay the tax imposed by the  
14 Retailers' Occupation Tax Act on those amounts. However, the  
15 lessor who purchased the motor vehicle assumes the liability  
16 for reporting and paying the tax on those amounts directly to  
17 the Department in the same form (Illinois Retailers' Occupation  
18 Tax, and local retailers' occupation taxes, if applicable) in  
19 which the retailer would have reported and paid such tax if the  
20 retailer had accounted for the tax to the Department. For  
21 amounts received by the lessor from the lessee that are not  
22 calculated at the time the lease is executed, the lessor must  
23 file the return and pay the tax to the Department by the due  
24 date otherwise required by this Act for returns other than  
25 transaction returns. If the retailer is entitled under this Act  
26 to a discount for collecting and remitting the tax imposed

1 under this Act to the Department with respect to the sale of  
2 the motor vehicle to the lessor, then the right to the discount  
3 provided in this Act shall be transferred to the lessor with  
4 respect to the tax paid by the lessor for any amount received  
5 by the lessor from the lessee for the leased vehicle that is  
6 not calculated at the time the lease is executed; provided that  
7 the discount is only allowed if the return is timely filed and  
8 for amounts timely paid. The "selling price" of a motor vehicle  
9 that is sold on or after January 1, 2015 for the purpose of  
10 leasing for a defined period of longer than one year shall not  
11 be reduced by the value of or credit given for traded-in  
12 tangible personal property owned by the lessor, nor shall it be  
13 reduced by the value of or credit given for traded-in tangible  
14 personal property owned by the lessee, regardless of whether  
15 the trade-in value thereof is assigned by the lessee to the  
16 lessor. In the case of a motor vehicle that is sold for the  
17 purpose of leasing for a defined period of longer than one  
18 year, the sale occurs at the time of the delivery of the  
19 vehicle, regardless of the due date of any lease payments. A  
20 lessor who incurs a Retailers' Occupation Tax liability on the  
21 sale of a motor vehicle coming off lease may not take a credit  
22 against that liability for the Use Tax the lessor paid upon the  
23 purchase of the motor vehicle (or for any tax the lessor paid  
24 with respect to any amount received by the lessor from the  
25 lessee for the leased vehicle that was not calculated at the  
26 time the lease was executed) if the selling price of the motor

1 vehicle at the time of purchase was calculated using the  
2 definition of "selling price" as defined in this paragraph.  
3 Notwithstanding any other provision of this Act to the  
4 contrary, lessors shall file all returns and make all payments  
5 required under this paragraph to the Department by electronic  
6 means in the manner and form as required by the Department.  
7 This paragraph does not apply to leases of motor vehicles for  
8 which, at the time the lease is entered into, the term of the  
9 lease is not a defined period, including leases with a defined  
10 initial period with the option to continue the lease on a  
11 month-to-month or other basis beyond the initial defined  
12 period.

13 The phrase "like kind and character" shall be liberally  
14 construed (including but not limited to any form of motor  
15 vehicle for any form of motor vehicle, or any kind of farm or  
16 agricultural implement for any other kind of farm or  
17 agricultural implement), while not including a kind of item  
18 which, if sold at retail by that retailer, would be exempt from  
19 retailers' occupation tax and use tax as an isolated or  
20 occasional sale.

21 "Department" means the Department of Revenue.

22 "Person" means any natural individual, firm, partnership,  
23 association, joint stock company, joint adventure, public or  
24 private corporation, limited liability company, or a receiver,  
25 executor, trustee, guardian or other representative appointed  
26 by order of any court.



1 "Retailer" means and includes every person engaged in the  
2 business of making sales at retail as defined in this Section.

3 A person who holds himself or herself out as being engaged  
4 (or who habitually engages) in selling tangible personal  
5 property at retail is a retailer hereunder with respect to such  
6 sales (and not primarily in a service occupation)  
7 notwithstanding the fact that such person designs and produces  
8 such tangible personal property on special order for the  
9 purchaser and in such a way as to render the property of value  
10 only to such purchaser, if such tangible personal property so  
11 produced on special order serves substantially the same  
12 function as stock or standard items of tangible personal  
13 property that are sold at retail.

14 A person whose activities are organized and conducted  
15 primarily as a not-for-profit service enterprise, and who  
16 engages in selling tangible personal property at retail  
17 (whether to the public or merely to members and their guests)  
18 is a retailer with respect to such transactions, excepting only  
19 a person organized and operated exclusively for charitable,  
20 religious or educational purposes either (1), to the extent of  
21 sales by such person to its members, students, patients or  
22 inmates of tangible personal property to be used primarily for  
23 the purposes of such person, or (2), to the extent of sales by  
24 such person of tangible personal property which is not sold or  
25 offered for sale by persons organized for profit. The selling  
26 of school books and school supplies by schools at retail to

1 students is not "primarily for the purposes of" the school  
2 which does such selling. This paragraph does not apply to nor  
3 subject to taxation occasional dinners, social or similar  
4 activities of a person organized and operated exclusively for  
5 charitable, religious or educational purposes, whether or not  
6 such activities are open to the public.

7 A person who is the recipient of a grant or contract under  
8 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and  
9 serves meals to participants in the federal Nutrition Program  
10 for the Elderly in return for contributions established in  
11 amount by the individual participant pursuant to a schedule of  
12 suggested fees as provided for in the federal Act is not a  
13 retailer under this Act with respect to such transactions.

14 Persons who engage in the business of transferring tangible  
15 personal property upon the redemption of trading stamps are  
16 retailers hereunder when engaged in such business.

17 The isolated or occasional sale of tangible personal  
18 property at retail by a person who does not hold himself out as  
19 being engaged (or who does not habitually engage) in selling  
20 such tangible personal property at retail or a sale through a  
21 bulk vending machine does not make such person a retailer  
22 hereunder. However, any person who is engaged in a business  
23 which is not subject to the tax imposed by the Retailers'  
24 Occupation Tax Act because of involving the sale of or a  
25 contract to sell real estate or a construction contract to  
26 improve real estate, but who, in the course of conducting such

1 business, transfers tangible personal property to users or  
2 consumers in the finished form in which it was purchased, and  
3 which does not become real estate, under any provision of a  
4 construction contract or real estate sale or real estate sales  
5 agreement entered into with some other person arising out of or  
6 because of such nontaxable business, is a retailer to the  
7 extent of the value of the tangible personal property so  
8 transferred. If, in such transaction, a separate charge is made  
9 for the tangible personal property so transferred, the value of  
10 such property, for the purposes of this Act, is the amount so  
11 separately charged, but not less than the cost of such property  
12 to the transferor; if no separate charge is made, the value of  
13 such property, for the purposes of this Act, is the cost to the  
14 transferor of such tangible personal property.

15 "Retailer maintaining a place of business in this State",  
16 or any like term, means and includes any of the following  
17 retailers:

18 (1) A retailer having or maintaining within this State,  
19 directly or by a subsidiary, an office, distribution house,  
20 sales house, warehouse or other place of business, or any  
21 agent or other representative operating within this State  
22 under the authority of the retailer or its subsidiary,  
23 irrespective of whether such place of business or agent or  
24 other representative is located here permanently or  
25 temporarily, or whether such retailer or subsidiary is  
26 licensed to do business in this State. However, the

1 ownership of property that is located at the premises of a  
2 printer with which the retailer has contracted for printing  
3 and that consists of the final printed product, property  
4 that becomes a part of the final printed product, or copy  
5 from which the printed product is produced shall not result  
6 in the retailer being deemed to have or maintain an office,  
7 distribution house, sales house, warehouse, or other place  
8 of business within this State.

9 (1.1) A retailer having a contract with a person  
10 located in this State under which the person, for a  
11 commission or other consideration based upon the sale of  
12 tangible personal property by the retailer, directly or  
13 indirectly refers potential customers to the retailer by  
14 providing to the potential customers a promotional code or  
15 other mechanism that allows the retailer to track purchases  
16 referred by such persons. Examples of mechanisms that allow  
17 the retailer to track purchases referred by such persons  
18 include but are not limited to the use of a link on the  
19 person's Internet website, promotional codes distributed  
20 through the person's hand-delivered or mailed material,  
21 and promotional codes distributed by the person through  
22 radio or other broadcast media. The provisions of this  
23 paragraph (1.1) shall apply only if the cumulative gross  
24 receipts from sales of tangible personal property by the  
25 retailer to customers who are referred to the retailer by  
26 all persons in this State under such contracts exceed

1           \$10,000 during the preceding 4 quarterly periods ending on  
2           the last day of March, June, September, and December. A  
3           retailer meeting the requirements of this paragraph (1.1)  
4           shall be presumed to be maintaining a place of business in  
5           this State but may rebut this presumption by submitting  
6           proof that the referrals or other activities pursued within  
7           this State by such persons were not sufficient to meet the  
8           nexus standards of the United States Constitution during  
9           the preceding 4 quarterly periods.

10           (1.2) Beginning July 1, 2011, a retailer having a  
11           contract with a person located in this State under which:

12                   (A) the retailer sells the same or substantially  
13                   similar line of products as the person located in this  
14                   State and does so using an identical or substantially  
15                   similar name, trade name, or trademark as the person  
16                   located in this State; and

17                   (B) the retailer provides a commission or other  
18                   consideration to the person located in this State based  
19                   upon the sale of tangible personal property by the  
20                   retailer.

21           The provisions of this paragraph (1.2) shall apply only  
22           if the cumulative gross receipts from sales of tangible  
23           personal property by the retailer to customers in this  
24           State under all such contracts exceed \$10,000 during the  
25           preceding 4 quarterly periods ending on the last day of  
26           March, June, September, and December.

1           (2) ~~(Blank)~~. A retailer soliciting orders for tangible  
2 personal property by means of a telecommunication or  
3 television shopping system (which utilizes toll free  
4 numbers) which is intended by the retailer to be broadcast  
5 by cable television or other means of broadcasting, to  
6 consumers located in this State.

7           (3) ~~(Blank)~~. A retailer, pursuant to a contract with a  
8 broadcaster or publisher located in this State, soliciting  
9 orders for tangible personal property by means of  
10 advertising which is disseminated primarily to consumers  
11 located in this State and only secondarily to bordering  
12 jurisdictions.

13           (4) ~~(Blank)~~. A retailer soliciting orders for tangible  
14 personal property by mail if the solicitations are  
15 substantial and recurring and if the retailer benefits from  
16 any banking, financing, debt collection,  
17 telecommunication, or marketing activities occurring in  
18 this State or benefits from the location in this State of  
19 authorized installation, servicing, or repair facilities.

20           (5) ~~(Blank)~~. A retailer that is owned or controlled by  
21 the same interests that own or control any retailer  
22 engaging in business in the same or similar line of  
23 business in this State.

24           (6) ~~(Blank)~~. A retailer having a franchisee or licensee  
25 operating under its trade name if the franchisee or  
26 licensee is required to collect the tax under this Section.

1           (7) ~~(Blank)~~. A retailer, pursuant to a contract with a  
2           cable television operator located in this State,  
3           soliciting orders for tangible personal property by means  
4           of advertising which is transmitted or distributed over a  
5           cable television system in this State.

6           (8) ~~(Blank)~~. A retailer engaging in activities in  
7           Illinois, which activities in the state in which the retail  
8           business engaging in such activities is located would  
9           constitute maintaining a place of business in that state.

10           (9) Beginning October 1, 2018, a retailer making sales  
11           of tangible personal property to purchasers in Illinois  
12           from outside of Illinois if:

13                   (A) the cumulative gross receipts from sales of  
14                   tangible personal property to purchasers in Illinois  
15                   are \$100,000 or more; or

16                   (B) the retailer enters into 200 or more separate  
17                   transactions for the sale of tangible personal  
18                   property to purchasers in Illinois.

19           The retailer shall determine on a quarterly basis,  
20           ending on the last day of March, June, September, and  
21           December, whether he or she meets the criteria of either  
22           subparagraph (A) or (B) of this paragraph (9) for the  
23           preceding 12-month period. If the retailer meets the  
24           threshold of either subparagraph (A) or (B) for a 12-month  
25           period, he or she is considered a retailer maintaining a  
26           place of business in this State and is required to collect

1 and remit the tax imposed under this Act and file returns  
2 for one year. At the end of that one-year period, the  
3 retailer shall determine whether he or she met the  
4 threshold of either subparagraph (A) or (B) during the  
5 preceding 12-month period. If the retailer met the criteria  
6 in either subparagraph (A) or (B) for the preceding  
7 12-month period, he or she is considered a retailer  
8 maintaining a place of business in this State and is  
9 required to collect and remit the tax imposed under this  
10 Act and file returns for the subsequent year. If at the end  
11 of a one-year period a retailer that was required to  
12 collect and remit the tax imposed under this Act determines  
13 that he or she did not meet the threshold in either  
14 subparagraph (A) or (B) during the preceding 12-month  
15 period, the retailer shall subsequently determine on a  
16 quarterly basis, ending on the last day of March, June,  
17 September, and December, whether he or she meets the  
18 threshold of either subparagraph (A) or (B) for the  
19 preceding 12-month period.

20 Beginning January 1, 2020, neither the gross receipts  
21 from nor the number of separate transactions for sales of  
22 tangible personal property to purchasers in Illinois that a  
23 retailer makes through a marketplace facilitator and for  
24 which the retailer has received a certification from the  
25 marketplace facilitator pursuant to Section 2d of this Act  
26 shall be included for purposes of determining whether he or



1 she has met the thresholds of this paragraph (9).

2 (10) Beginning January 1, 2020, a marketplace  
3 facilitator that meets a threshold set forth in subsection  
4 (b) of Section 2d of this Act.

5 "Bulk vending machine" means a vending machine, containing  
6 unsorted confections, nuts, toys, or other items designed  
7 primarily to be used or played with by children which, when a  
8 coin or coins of a denomination not larger than \$0.50 are  
9 inserted, are dispensed in equal portions, at random and  
10 without selection by the customer.

11 (Source: P.A. 100-587, eff. 6-4-18; 101-9, eff. 6-5-19; 101-31,  
12 eff. 1-1-20; 101-604, eff. 1-1-20.)

13 (35 ILCS 105/3-5)

14 Sec. 3-5. Exemptions. Use of the following tangible  
15 personal property is exempt from the tax imposed by this Act:

16 (1) Personal property purchased from a corporation,  
17 society, association, foundation, institution, or  
18 organization, other than a limited liability company, that is  
19 organized and operated as a not-for-profit service enterprise  
20 for the benefit of persons 65 years of age or older if the  
21 personal property was not purchased by the enterprise for the  
22 purpose of resale by the enterprise.

23 (2) Personal property purchased by a not-for-profit  
24 Illinois county fair association for use in conducting,  
25 operating, or promoting the county fair.

1           (3) Personal property purchased by a not-for-profit arts or  
2 cultural organization that establishes, by proof required by  
3 the Department by rule, that it has received an exemption under  
4 Section 501(c)(3) of the Internal Revenue Code and that is  
5 organized and operated primarily for the presentation or  
6 support of arts or cultural programming, activities, or  
7 services. These organizations include, but are not limited to,  
8 music and dramatic arts organizations such as symphony  
9 orchestras and theatrical groups, arts and cultural service  
10 organizations, local arts councils, visual arts organizations,  
11 and media arts organizations. On and after July 1, 2001 (the  
12 effective date of Public Act 92-35), however, an entity  
13 otherwise eligible for this exemption shall not make tax-free  
14 purchases unless it has an active identification number issued  
15 by the Department.

16           (4) Personal property purchased by a governmental body, by  
17 a corporation, society, association, foundation, or  
18 institution organized and operated exclusively for charitable,  
19 religious, or educational purposes, or by a not-for-profit  
20 corporation, society, association, foundation, institution, or  
21 organization that has no compensated officers or employees and  
22 that is organized and operated primarily for the recreation of  
23 persons 55 years of age or older. A limited liability company  
24 may qualify for the exemption under this paragraph only if the  
25 limited liability company is organized and operated  
26 exclusively for educational purposes. On and after July 1,

1 1987, however, no entity otherwise eligible for this exemption  
2 shall make tax-free purchases unless it has an active exemption  
3 identification number issued by the Department.

4 (5) Until July 1, 2003, a passenger car that is a  
5 replacement vehicle to the extent that the purchase price of  
6 the car is subject to the Replacement Vehicle Tax.

7 (6) Until July 1, 2003 and beginning again on September 1,  
8 2004 through August 30, 2014, graphic arts machinery and  
9 equipment, including repair and replacement parts, both new and  
10 used, and including that manufactured on special order,  
11 certified by the purchaser to be used primarily for graphic  
12 arts production, and including machinery and equipment  
13 purchased for lease. Equipment includes chemicals or chemicals  
14 acting as catalysts but only if the chemicals or chemicals  
15 acting as catalysts effect a direct and immediate change upon a  
16 graphic arts product. Beginning on July 1, 2017, graphic arts  
17 machinery and equipment is included in the manufacturing and  
18 assembling machinery and equipment exemption under paragraph  
19 (18).

20 (7) Farm chemicals.

21 (8) Legal tender, currency, medallions, or gold or silver  
22 coinage issued by the State of Illinois, the government of the  
23 United States of America, or the government of any foreign  
24 country, and bullion.

25 (9) Personal property purchased from a teacher-sponsored  
26 student organization affiliated with an elementary or

1 secondary school located in Illinois.

2 (10) A motor vehicle that is used for automobile renting,  
3 as defined in the Automobile Renting Occupation and Use Tax  
4 Act.

5 (11) Farm machinery and equipment, both new and used,  
6 including that manufactured on special order, certified by the  
7 purchaser to be used primarily for production agriculture or  
8 State or federal agricultural programs, including individual  
9 replacement parts for the machinery and equipment, including  
10 machinery and equipment purchased for lease, and including  
11 implements of husbandry defined in Section 1-130 of the  
12 Illinois Vehicle Code, farm machinery and agricultural  
13 chemical and fertilizer spreaders, and nurse wagons required to  
14 be registered under Section 3-809 of the Illinois Vehicle Code,  
15 but excluding other motor vehicles required to be registered  
16 under the Illinois Vehicle Code. Horticultural polyhouses or  
17 hoop houses used for propagating, growing, or overwintering  
18 plants shall be considered farm machinery and equipment under  
19 this item (11). Agricultural chemical tender tanks and dry  
20 boxes shall include units sold separately from a motor vehicle  
21 required to be licensed and units sold mounted on a motor  
22 vehicle required to be licensed if the selling price of the  
23 tender is separately stated.

24 Farm machinery and equipment shall include precision  
25 farming equipment that is installed or purchased to be  
26 installed on farm machinery and equipment including, but not

1 limited to, tractors, harvesters, sprayers, planters, seeders,  
2 or spreaders. Precision farming equipment includes, but is not  
3 limited to, soil testing sensors, computers, monitors,  
4 software, global positioning and mapping systems, and other  
5 such equipment.

6 Farm machinery and equipment also includes computers,  
7 sensors, software, and related equipment used primarily in the  
8 computer-assisted operation of production agriculture  
9 facilities, equipment, and activities such as, but not limited  
10 to, the collection, monitoring, and correlation of animal and  
11 crop data for the purpose of formulating animal diets and  
12 agricultural chemicals. This item (11) is exempt from the  
13 provisions of Section 3-90.

14 (12) Until June 30, 2013, fuel and petroleum products sold  
15 to or used by an air common carrier, certified by the carrier  
16 to be used for consumption, shipment, or storage in the conduct  
17 of its business as an air common carrier, for a flight destined  
18 for or returning from a location or locations outside the  
19 United States without regard to previous or subsequent domestic  
20 stopovers.

21 Beginning July 1, 2013, fuel and petroleum products sold to  
22 or used by an air carrier, certified by the carrier to be used  
23 for consumption, shipment, or storage in the conduct of its  
24 business as an air common carrier, for a flight that (i) is  
25 engaged in foreign trade or is engaged in trade between the  
26 United States and any of its possessions and (ii) transports at

1 least one individual or package for hire from the city of  
2 origination to the city of final destination on the same  
3 aircraft, without regard to a change in the flight number of  
4 that aircraft.

5 (13) Proceeds of mandatory service charges separately  
6 stated on customers' bills for the purchase and consumption of  
7 food and beverages purchased at retail from a retailer, to the  
8 extent that the proceeds of the service charge are in fact  
9 turned over as tips or as a substitute for tips to the  
10 employees who participate directly in preparing, serving,  
11 hosting or cleaning up the food or beverage function with  
12 respect to which the service charge is imposed.

13 (14) Until July 1, 2003, oil field exploration, drilling,  
14 and production equipment, including (i) rigs and parts of rigs,  
15 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
16 tubular goods, including casing and drill strings, (iii) pumps  
17 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
18 individual replacement part for oil field exploration,  
19 drilling, and production equipment, and (vi) machinery and  
20 equipment purchased for lease; but excluding motor vehicles  
21 required to be registered under the Illinois Vehicle Code.

22 (15) Photoprocessing machinery and equipment, including  
23 repair and replacement parts, both new and used, including that  
24 manufactured on special order, certified by the purchaser to be  
25 used primarily for photoprocessing, and including  
26 photoprocessing machinery and equipment purchased for lease.

1           (16) Until July 1, 2023, coal and aggregate exploration,  
2 mining, off-highway hauling, processing, maintenance, and  
3 reclamation equipment, including replacement parts and  
4 equipment, and including equipment purchased for lease, but  
5 excluding motor vehicles required to be registered under the  
6 Illinois Vehicle Code. The changes made to this Section by  
7 Public Act 97-767 apply on and after July 1, 2003, but no claim  
8 for credit or refund is allowed on or after August 16, 2013  
9 (the effective date of Public Act 98-456) for such taxes paid  
10 during the period beginning July 1, 2003 and ending on August  
11 16, 2013 (the effective date of Public Act 98-456).

12           (17) Until July 1, 2003, distillation machinery and  
13 equipment, sold as a unit or kit, assembled or installed by the  
14 retailer, certified by the user to be used only for the  
15 production of ethyl alcohol that will be used for consumption  
16 as motor fuel or as a component of motor fuel for the personal  
17 use of the user, and not subject to sale or resale.

18           (18) Manufacturing and assembling machinery and equipment  
19 used primarily in the process of manufacturing or assembling  
20 tangible personal property for wholesale or retail sale or  
21 lease, whether that sale or lease is made directly by the  
22 manufacturer or by some other person, whether the materials  
23 used in the process are owned by the manufacturer or some other  
24 person, or whether that sale or lease is made apart from or as  
25 an incident to the seller's engaging in the service occupation  
26 of producing machines, tools, dies, jigs, patterns, gauges, or

1 other similar items of no commercial value on special order for  
2 a particular purchaser. The exemption provided by this  
3 paragraph (18) includes production related tangible personal  
4 property, as defined in Section 3-50, purchased on or after  
5 July 1, 2019. The exemption provided by this paragraph (18)  
6 does not include machinery and equipment used in (i) the  
7 generation of electricity for wholesale or retail sale; (ii)  
8 the generation or treatment of natural or artificial gas for  
9 wholesale or retail sale that is delivered to customers through  
10 pipes, pipelines, or mains; or (iii) the treatment of water for  
11 wholesale or retail sale that is delivered to customers through  
12 pipes, pipelines, or mains. The provisions of Public Act 98-583  
13 are declaratory of existing law as to the meaning and scope of  
14 this exemption. Beginning on July 1, 2017, the exemption  
15 provided by this paragraph (18) includes, but is not limited  
16 to, graphic arts machinery and equipment, as defined in  
17 paragraph (6) of this Section.

18 (19) Personal property delivered to a purchaser or  
19 purchaser's donee inside Illinois when the purchase order for  
20 that personal property was received by a florist located  
21 outside Illinois who has a florist located inside Illinois  
22 deliver the personal property.

23 (20) Semen used for artificial insemination of livestock  
24 for direct agricultural production.

25 (21) Horses, or interests in horses, registered with and  
26 meeting the requirements of any of the Arabian Horse Club



1 Registry of America, Appaloosa Horse Club, American Quarter  
2 Horse Association, United States Trotting Association, or  
3 Jockey Club, as appropriate, used for purposes of breeding or  
4 racing for prizes. This item (21) is exempt from the provisions  
5 of Section 3-90, and the exemption provided for under this item  
6 (21) applies for all periods beginning May 30, 1995, but no  
7 claim for credit or refund is allowed on or after January 1,  
8 2008 for such taxes paid during the period beginning May 30,  
9 2000 and ending on January 1, 2008.

10 (22) Computers and communications equipment utilized for  
11 any hospital purpose and equipment used in the diagnosis,  
12 analysis, or treatment of hospital patients purchased by a  
13 lessor who leases the equipment, under a lease of one year or  
14 longer executed or in effect at the time the lessor would  
15 otherwise be subject to the tax imposed by this Act, to a  
16 hospital that has been issued an active tax exemption  
17 identification number by the Department under Section 1g of the  
18 Retailers' Occupation Tax Act. If the equipment is leased in a  
19 manner that does not qualify for this exemption or is used in  
20 any other non-exempt manner, the lessor shall be liable for the  
21 tax imposed under this Act or the Service Use Tax Act, as the  
22 case may be, based on the fair market value of the property at  
23 the time the non-qualifying use occurs. No lessor shall collect  
24 or attempt to collect an amount (however designated) that  
25 purports to reimburse that lessor for the tax imposed by this  
26 Act or the Service Use Tax Act, as the case may be, if the tax

1 has not been paid by the lessor. If a lessor improperly  
2 collects any such amount from the lessee, the lessee shall have  
3 a legal right to claim a refund of that amount from the lessor.  
4 If, however, that amount is not refunded to the lessee for any  
5 reason, the lessor is liable to pay that amount to the  
6 Department.

7 (23) Personal property purchased by a lessor who leases the  
8 property, under a lease of one year or longer executed or in  
9 effect at the time the lessor would otherwise be subject to the  
10 tax imposed by this Act, to a governmental body that has been  
11 issued an active sales tax exemption identification number by  
12 the Department under Section 1g of the Retailers' Occupation  
13 Tax Act. If the property is leased in a manner that does not  
14 qualify for this exemption or used in any other non-exempt  
15 manner, the lessor shall be liable for the tax imposed under  
16 this Act or the Service Use Tax Act, as the case may be, based  
17 on the fair market value of the property at the time the  
18 non-qualifying use occurs. No lessor shall collect or attempt  
19 to collect an amount (however designated) that purports to  
20 reimburse that lessor for the tax imposed by this Act or the  
21 Service Use Tax Act, as the case may be, if the tax has not been  
22 paid by the lessor. If a lessor improperly collects any such  
23 amount from the lessee, the lessee shall have a legal right to  
24 claim a refund of that amount from the lessor. If, however,  
25 that amount is not refunded to the lessee for any reason, the  
26 lessor is liable to pay that amount to the Department.

1           (24) Beginning with taxable years ending on or after  
2 December 31, 1995 and ending with taxable years ending on or  
3 before December 31, 2004, personal property that is donated for  
4 disaster relief to be used in a State or federally declared  
5 disaster area in Illinois or bordering Illinois by a  
6 manufacturer or retailer that is registered in this State to a  
7 corporation, society, association, foundation, or institution  
8 that has been issued a sales tax exemption identification  
9 number by the Department that assists victims of the disaster  
10 who reside within the declared disaster area.

11           (25) Beginning with taxable years ending on or after  
12 December 31, 1995 and ending with taxable years ending on or  
13 before December 31, 2004, personal property that is used in the  
14 performance of infrastructure repairs in this State, including  
15 but not limited to municipal roads and streets, access roads,  
16 bridges, sidewalks, waste disposal systems, water and sewer  
17 line extensions, water distribution and purification  
18 facilities, storm water drainage and retention facilities, and  
19 sewage treatment facilities, resulting from a State or  
20 federally declared disaster in Illinois or bordering Illinois  
21 when such repairs are initiated on facilities located in the  
22 declared disaster area within 6 months after the disaster.

23           (26) Beginning July 1, 1999, game or game birds purchased  
24 at a "game breeding and hunting preserve area" as that term is  
25 used in the Wildlife Code. This paragraph is exempt from the  
26 provisions of Section 3-90.

1           (27) A motor vehicle, as that term is defined in Section  
2 1-146 of the Illinois Vehicle Code, that is donated to a  
3 corporation, limited liability company, society, association,  
4 foundation, or institution that is determined by the Department  
5 to be organized and operated exclusively for educational  
6 purposes. For purposes of this exemption, "a corporation,  
7 limited liability company, society, association, foundation,  
8 or institution organized and operated exclusively for  
9 educational purposes" means all tax-supported public schools,  
10 private schools that offer systematic instruction in useful  
11 branches of learning by methods common to public schools and  
12 that compare favorably in their scope and intensity with the  
13 course of study presented in tax-supported schools, and  
14 vocational or technical schools or institutes organized and  
15 operated exclusively to provide a course of study of not less  
16 than 6 weeks duration and designed to prepare individuals to  
17 follow a trade or to pursue a manual, technical, mechanical,  
18 industrial, business, or commercial occupation.

19           (28) Beginning January 1, 2000, personal property,  
20 including food, purchased through fundraising events for the  
21 benefit of a public or private elementary or secondary school,  
22 a group of those schools, or one or more school districts if  
23 the events are sponsored by an entity recognized by the school  
24 district that consists primarily of volunteers and includes  
25 parents and teachers of the school children. This paragraph  
26 does not apply to fundraising events (i) for the benefit of

1 private home instruction or (ii) for which the fundraising  
2 entity purchases the personal property sold at the events from  
3 another individual or entity that sold the property for the  
4 purpose of resale by the fundraising entity and that profits  
5 from the sale to the fundraising entity. This paragraph is  
6 exempt from the provisions of Section 3-90.

7 (29) Beginning January 1, 2000 and through December 31,  
8 2001, new or used automatic vending machines that prepare and  
9 serve hot food and beverages, including coffee, soup, and other  
10 items, and replacement parts for these machines. Beginning  
11 January 1, 2002 and through June 30, 2003, machines and parts  
12 for machines used in commercial, coin-operated amusement and  
13 vending business if a use or occupation tax is paid on the  
14 gross receipts derived from the use of the commercial,  
15 coin-operated amusement and vending machines. This paragraph  
16 is exempt from the provisions of Section 3-90.

17 (30) Beginning January 1, 2001 and through June 30, 2016,  
18 food for human consumption that is to be consumed off the  
19 premises where it is sold (other than alcoholic beverages, soft  
20 drinks, and food that has been prepared for immediate  
21 consumption) and prescription and nonprescription medicines,  
22 drugs, medical appliances, and insulin, urine testing  
23 materials, syringes, and needles used by diabetics, for human  
24 use, when purchased for use by a person receiving medical  
25 assistance under Article V of the Illinois Public Aid Code who  
26 resides in a licensed long-term care facility, as defined in

1 the Nursing Home Care Act, or in a licensed facility as defined  
2 in the ID/DD Community Care Act, the MC/DD Act, or the  
3 Specialized Mental Health Rehabilitation Act of 2013.

4 (31) Beginning on August 2, 2001 (the effective date of  
5 Public Act 92-227), computers and communications equipment  
6 utilized for any hospital purpose and equipment used in the  
7 diagnosis, analysis, or treatment of hospital patients  
8 purchased by a lessor who leases the equipment, under a lease  
9 of one year or longer executed or in effect at the time the  
10 lessor would otherwise be subject to the tax imposed by this  
11 Act, to a hospital that has been issued an active tax exemption  
12 identification number by the Department under Section 1g of the  
13 Retailers' Occupation Tax Act. If the equipment is leased in a  
14 manner that does not qualify for this exemption or is used in  
15 any other nonexempt manner, the lessor shall be liable for the  
16 tax imposed under this Act or the Service Use Tax Act, as the  
17 case may be, based on the fair market value of the property at  
18 the time the nonqualifying use occurs. No lessor shall collect  
19 or attempt to collect an amount (however designated) that  
20 purports to reimburse that lessor for the tax imposed by this  
21 Act or the Service Use Tax Act, as the case may be, if the tax  
22 has not been paid by the lessor. If a lessor improperly  
23 collects any such amount from the lessee, the lessee shall have  
24 a legal right to claim a refund of that amount from the lessor.  
25 If, however, that amount is not refunded to the lessee for any  
26 reason, the lessor is liable to pay that amount to the

1 Department. This paragraph is exempt from the provisions of  
2 Section 3-90.

3 (32) Beginning on August 2, 2001 (the effective date of  
4 Public Act 92-227), personal property purchased by a lessor who  
5 leases the property, under a lease of one year or longer  
6 executed or in effect at the time the lessor would otherwise be  
7 subject to the tax imposed by this Act, to a governmental body  
8 that has been issued an active sales tax exemption  
9 identification number by the Department under Section 1g of the  
10 Retailers' Occupation Tax Act. If the property is leased in a  
11 manner that does not qualify for this exemption or used in any  
12 other nonexempt manner, the lessor shall be liable for the tax  
13 imposed under this Act or the Service Use Tax Act, as the case  
14 may be, based on the fair market value of the property at the  
15 time the nonqualifying use occurs. No lessor shall collect or  
16 attempt to collect an amount (however designated) that purports  
17 to reimburse that lessor for the tax imposed by this Act or the  
18 Service Use Tax Act, as the case may be, if the tax has not been  
19 paid by the lessor. If a lessor improperly collects any such  
20 amount from the lessee, the lessee shall have a legal right to  
21 claim a refund of that amount from the lessor. If, however,  
22 that amount is not refunded to the lessee for any reason, the  
23 lessor is liable to pay that amount to the Department. This  
24 paragraph is exempt from the provisions of Section 3-90.

25 (33) On and after July 1, 2003 and through June 30, 2004,  
26 the use in this State of motor vehicles of the second division

1 with a gross vehicle weight in excess of 8,000 pounds and that  
2 are subject to the commercial distribution fee imposed under  
3 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July  
4 1, 2004 and through June 30, 2005, the use in this State of  
5 motor vehicles of the second division: (i) with a gross vehicle  
6 weight rating in excess of 8,000 pounds; (ii) that are subject  
7 to the commercial distribution fee imposed under Section  
8 3-815.1 of the Illinois Vehicle Code; and (iii) that are  
9 primarily used for commercial purposes. Through June 30, 2005,  
10 this exemption applies to repair and replacement parts added  
11 after the initial purchase of such a motor vehicle if that  
12 motor vehicle is used in a manner that would qualify for the  
13 rolling stock exemption otherwise provided for in this Act. For  
14 purposes of this paragraph, the term "used for commercial  
15 purposes" means the transportation of persons or property in  
16 furtherance of any commercial or industrial enterprise,  
17 whether for-hire or not.

18 (34) Beginning January 1, 2008, tangible personal property  
19 used in the construction or maintenance of a community water  
20 supply, as defined under Section 3.145 of the Environmental  
21 Protection Act, that is operated by a not-for-profit  
22 corporation that holds a valid water supply permit issued under  
23 Title IV of the Environmental Protection Act. This paragraph is  
24 exempt from the provisions of Section 3-90.

25 (35) Beginning January 1, 2010 and continuing through  
26 December 31, 2024, materials, parts, equipment, components,



1 and furnishings incorporated into or upon an aircraft as part  
2 of the modification, refurbishment, completion, replacement,  
3 repair, or maintenance of the aircraft. This exemption includes  
4 consumable supplies used in the modification, refurbishment,  
5 completion, replacement, repair, and maintenance of aircraft,  
6 but excludes any materials, parts, equipment, components, and  
7 consumable supplies used in the modification, replacement,  
8 repair, and maintenance of aircraft engines or power plants,  
9 whether such engines or power plants are installed or  
10 uninstalled upon any such aircraft. "Consumable supplies"  
11 include, but are not limited to, adhesive, tape, sandpaper,  
12 general purpose lubricants, cleaning solution, latex gloves,  
13 and protective films. This exemption applies only to the use of  
14 qualifying tangible personal property by persons who modify,  
15 refurbish, complete, repair, replace, or maintain aircraft and  
16 who (i) hold an Air Agency Certificate and are empowered to  
17 operate an approved repair station by the Federal Aviation  
18 Administration, (ii) have a Class IV Rating, and (iii) conduct  
19 operations in accordance with Part 145 of the Federal Aviation  
20 Regulations. The exemption does not include aircraft operated  
21 by a commercial air carrier providing scheduled passenger air  
22 service pursuant to authority issued under Part 121 or Part 129  
23 of the Federal Aviation Regulations. The changes made to this  
24 paragraph (35) by Public Act 98-534 are declarative of existing  
25 law. It is the intent of the General Assembly that the  
26 exemption under this paragraph (35) applies continuously from

1 January 1, 2010 through December 31, 2024; however, no claim  
2 for credit or refund is allowed for taxes paid as a result of  
3 the disallowance of this exemption on or after January 1, 2015  
4 and prior to the effective date of this amendatory Act of the  
5 101st General Assembly.

6 (36) Tangible personal property purchased by a  
7 public-facilities corporation, as described in Section  
8 11-65-10 of the Illinois Municipal Code, for purposes of  
9 constructing or furnishing a municipal convention hall, but  
10 only if the legal title to the municipal convention hall is  
11 transferred to the municipality without any further  
12 consideration by or on behalf of the municipality at the time  
13 of the completion of the municipal convention hall or upon the  
14 retirement or redemption of any bonds or other debt instruments  
15 issued by the public-facilities corporation in connection with  
16 the development of the municipal convention hall. This  
17 exemption includes existing public-facilities corporations as  
18 provided in Section 11-65-25 of the Illinois Municipal Code.  
19 This paragraph is exempt from the provisions of Section 3-90.

20 (37) Beginning January 1, 2017, menstrual pads, tampons,  
21 and menstrual cups.

22 (38) Merchandise that is subject to the Rental Purchase  
23 Agreement Occupation and Use Tax. The purchaser must certify  
24 that the item is purchased to be rented subject to a rental  
25 purchase agreement, as defined in the Rental Purchase Agreement  
26 Act, and provide proof of registration under the Rental

1 Purchase Agreement Occupation and Use Tax Act. This paragraph  
2 is exempt from the provisions of Section 3-90.

3 (39) Tangible personal property purchased by a purchaser  
4 who is exempt from the tax imposed by this Act by operation of  
5 federal law. This paragraph is exempt from the provisions of  
6 Section 3-90.

7 ~~(40) Qualified tangible personal property used in the~~  
8 ~~construction or operation of a data center that has been~~  
9 ~~granted a certificate of exemption by the Department of~~  
10 ~~Commerce and Economic Opportunity, whether that tangible~~  
11 ~~personal property is purchased by the owner, operator, or~~  
12 ~~tenant of the data center or by a contractor or subcontractor~~  
13 ~~of the owner, operator, or tenant. Data centers that would have~~  
14 ~~qualified for a certificate of exemption prior to January 1,~~  
15 ~~2020 had Public Act 101-31 been in effect may apply for and~~  
16 ~~obtain an exemption for subsequent purchases of computer~~  
17 ~~equipment or enabling software purchased or leased to upgrade,~~  
18 ~~supplement, or replace computer equipment or enabling software~~  
19 ~~purchased or leased in the original investment that would have~~  
20 ~~qualified.~~

21 ~~The Department of Commerce and Economic Opportunity shall~~  
22 ~~grant a certificate of exemption under this item (40) to~~  
23 ~~qualified data centers as defined by Section 605-1025 of the~~  
24 ~~Department of Commerce and Economic Opportunity Law of the~~  
25 ~~Civil Administrative Code of Illinois.~~

26 ~~For the purposes of this item (40):~~

1           ~~"Data center" means a building or a series of buildings~~  
2           ~~rehabilitated or constructed to house working servers in~~  
3           ~~one physical location or multiple sites within the State of~~  
4           ~~Illinois.~~

5           ~~"Qualified tangible personal property" means:~~  
6           ~~electrical systems and equipment; climate control and~~  
7           ~~chilling equipment and systems; mechanical systems and~~  
8           ~~equipment; monitoring and secure systems; emergency~~  
9           ~~generators; hardware; computers; servers; data storage~~  
10           ~~devices; network connectivity equipment; racks; cabinets;~~  
11           ~~telecommunications cabling infrastructure; raised floor~~  
12           ~~systems; peripheral components or systems; software;~~  
13           ~~mechanical, electrical, or plumbing systems; battery~~  
14           ~~systems; cooling systems and towers; temperature control~~  
15           ~~systems; other cabling; and other data center~~  
16           ~~infrastructure equipment and systems necessary to operate~~  
17           ~~qualified tangible personal property, including fixtures;~~  
18           ~~and component parts of any of the foregoing, including~~  
19           ~~installation, maintenance, repair, refurbishment, and~~  
20           ~~replacement of qualified tangible personal property to~~  
21           ~~generate, transform, transmit, distribute, or manage~~  
22           ~~electricity necessary to operate qualified tangible~~  
23           ~~personal property; and all other tangible personal~~  
24           ~~property that is essential to the operations of a computer~~  
25           ~~data center. The term "qualified tangible personal~~  
26           ~~property" also includes building materials physically~~

1 ~~incorporated in to the qualifying data center. To document~~  
2 ~~the exemption allowed under this Section, the retailer must~~  
3 ~~obtain from the purchaser a copy of the certificate of~~  
4 ~~eligibility issued by the Department of Commerce and~~  
5 ~~Economic Opportunity.~~

6 ~~This item (40) is exempt from the provisions of Section~~  
7 ~~3-90.~~

8 (Source: P.A. 100-22, eff. 7-6-17; 100-437, eff. 1-1-18;  
9 100-594, eff. 6-29-18; 100-863, eff. 8-14-18; 100-1171, eff.  
10 1-4-19; 101-9, eff. 6-5-19; 101-31, eff. 6-28-19; 101-81, eff.  
11 7-12-19; 101-629, eff. 2-5-20.)

12 Section 10-35. The Service Use Tax Act is amended by  
13 changing Section 3-5 as follows:

14 (35 ILCS 110/3-5)

15 Sec. 3-5. Exemptions. Use of the following tangible  
16 personal property is exempt from the tax imposed by this Act:

17 (1) Personal property purchased from a corporation,  
18 society, association, foundation, institution, or  
19 organization, other than a limited liability company, that is  
20 organized and operated as a not-for-profit service enterprise  
21 for the benefit of persons 65 years of age or older if the  
22 personal property was not purchased by the enterprise for the  
23 purpose of resale by the enterprise.

24 (2) Personal property purchased by a non-profit Illinois

1 county fair association for use in conducting, operating, or  
2 promoting the county fair.

3 (3) Personal property purchased by a not-for-profit arts or  
4 cultural organization that establishes, by proof required by  
5 the Department by rule, that it has received an exemption under  
6 Section 501(c)(3) of the Internal Revenue Code and that is  
7 organized and operated primarily for the presentation or  
8 support of arts or cultural programming, activities, or  
9 services. These organizations include, but are not limited to,  
10 music and dramatic arts organizations such as symphony  
11 orchestras and theatrical groups, arts and cultural service  
12 organizations, local arts councils, visual arts organizations,  
13 and media arts organizations. On and after July 1, 2001 (the  
14 effective date of Public Act 92-35), however, an entity  
15 otherwise eligible for this exemption shall not make tax-free  
16 purchases unless it has an active identification number issued  
17 by the Department.

18 (4) Legal tender, currency, medallions, or gold or silver  
19 coinage issued by the State of Illinois, the government of the  
20 United States of America, or the government of any foreign  
21 country, and bullion.

22 (5) Until July 1, 2003 and beginning again on September 1,  
23 2004 through August 30, 2014, graphic arts machinery and  
24 equipment, including repair and replacement parts, both new and  
25 used, and including that manufactured on special order or  
26 purchased for lease, certified by the purchaser to be used

1 primarily for graphic arts production. Equipment includes  
2 chemicals or chemicals acting as catalysts but only if the  
3 chemicals or chemicals acting as catalysts effect a direct and  
4 immediate change upon a graphic arts product. Beginning on July  
5 1, 2017, graphic arts machinery and equipment is included in  
6 the manufacturing and assembling machinery and equipment  
7 exemption under Section 2 of this Act.

8 (6) Personal property purchased from a teacher-sponsored  
9 student organization affiliated with an elementary or  
10 secondary school located in Illinois.

11 (7) Farm machinery and equipment, both new and used,  
12 including that manufactured on special order, certified by the  
13 purchaser to be used primarily for production agriculture or  
14 State or federal agricultural programs, including individual  
15 replacement parts for the machinery and equipment, including  
16 machinery and equipment purchased for lease, and including  
17 implements of husbandry defined in Section 1-130 of the  
18 Illinois Vehicle Code, farm machinery and agricultural  
19 chemical and fertilizer spreaders, and nurse wagons required to  
20 be registered under Section 3-809 of the Illinois Vehicle Code,  
21 but excluding other motor vehicles required to be registered  
22 under the Illinois Vehicle Code. Horticultural polyhouses or  
23 hoop houses used for propagating, growing, or overwintering  
24 plants shall be considered farm machinery and equipment under  
25 this item (7). Agricultural chemical tender tanks and dry boxes  
26 shall include units sold separately from a motor vehicle

1 required to be licensed and units sold mounted on a motor  
2 vehicle required to be licensed if the selling price of the  
3 tender is separately stated.

4 Farm machinery and equipment shall include precision  
5 farming equipment that is installed or purchased to be  
6 installed on farm machinery and equipment including, but not  
7 limited to, tractors, harvesters, sprayers, planters, seeders,  
8 or spreaders. Precision farming equipment includes, but is not  
9 limited to, soil testing sensors, computers, monitors,  
10 software, global positioning and mapping systems, and other  
11 such equipment.

12 Farm machinery and equipment also includes computers,  
13 sensors, software, and related equipment used primarily in the  
14 computer-assisted operation of production agriculture  
15 facilities, equipment, and activities such as, but not limited  
16 to, the collection, monitoring, and correlation of animal and  
17 crop data for the purpose of formulating animal diets and  
18 agricultural chemicals. This item (7) is exempt from the  
19 provisions of Section 3-75.

20 (8) Until June 30, 2013, fuel and petroleum products sold  
21 to or used by an air common carrier, certified by the carrier  
22 to be used for consumption, shipment, or storage in the conduct  
23 of its business as an air common carrier, for a flight destined  
24 for or returning from a location or locations outside the  
25 United States without regard to previous or subsequent domestic  
26 stopovers.



1           Beginning July 1, 2013, fuel and petroleum products sold to  
2 or used by an air carrier, certified by the carrier to be used  
3 for consumption, shipment, or storage in the conduct of its  
4 business as an air common carrier, for a flight that (i) is  
5 engaged in foreign trade or is engaged in trade between the  
6 United States and any of its possessions and (ii) transports at  
7 least one individual or package for hire from the city of  
8 origination to the city of final destination on the same  
9 aircraft, without regard to a change in the flight number of  
10 that aircraft.

11           (9) Proceeds of mandatory service charges separately  
12 stated on customers' bills for the purchase and consumption of  
13 food and beverages acquired as an incident to the purchase of a  
14 service from a serviceman, to the extent that the proceeds of  
15 the service charge are in fact turned over as tips or as a  
16 substitute for tips to the employees who participate directly  
17 in preparing, serving, hosting or cleaning up the food or  
18 beverage function with respect to which the service charge is  
19 imposed.

20           (10) Until July 1, 2003, oil field exploration, drilling,  
21 and production equipment, including (i) rigs and parts of rigs,  
22 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
23 tubular goods, including casing and drill strings, (iii) pumps  
24 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
25 individual replacement part for oil field exploration,  
26 drilling, and production equipment, and (vi) machinery and

1 equipment purchased for lease; but excluding motor vehicles  
2 required to be registered under the Illinois Vehicle Code.

3 (11) Proceeds from the sale of photoprocessing machinery  
4 and equipment, including repair and replacement parts, both new  
5 and used, including that manufactured on special order,  
6 certified by the purchaser to be used primarily for  
7 photoprocessing, and including photoprocessing machinery and  
8 equipment purchased for lease.

9 (12) Until July 1, 2023, coal and aggregate exploration,  
10 mining, off-highway hauling, processing, maintenance, and  
11 reclamation equipment, including replacement parts and  
12 equipment, and including equipment purchased for lease, but  
13 excluding motor vehicles required to be registered under the  
14 Illinois Vehicle Code. The changes made to this Section by  
15 Public Act 97-767 apply on and after July 1, 2003, but no claim  
16 for credit or refund is allowed on or after August 16, 2013  
17 (the effective date of Public Act 98-456) for such taxes paid  
18 during the period beginning July 1, 2003 and ending on August  
19 16, 2013 (the effective date of Public Act 98-456).

20 (13) Semen used for artificial insemination of livestock  
21 for direct agricultural production.

22 (14) Horses, or interests in horses, registered with and  
23 meeting the requirements of any of the Arabian Horse Club  
24 Registry of America, Appaloosa Horse Club, American Quarter  
25 Horse Association, United States Trotting Association, or  
26 Jockey Club, as appropriate, used for purposes of breeding or

1 racing for prizes. This item (14) is exempt from the provisions  
2 of Section 3-75, and the exemption provided for under this item  
3 (14) applies for all periods beginning May 30, 1995, but no  
4 claim for credit or refund is allowed on or after January 1,  
5 2008 (the effective date of Public Act 95-88) for such taxes  
6 paid during the period beginning May 30, 2000 and ending on  
7 January 1, 2008 (the effective date of Public Act 95-88).

8 (15) Computers and communications equipment utilized for  
9 any hospital purpose and equipment used in the diagnosis,  
10 analysis, or treatment of hospital patients purchased by a  
11 lessor who leases the equipment, under a lease of one year or  
12 longer executed or in effect at the time the lessor would  
13 otherwise be subject to the tax imposed by this Act, to a  
14 hospital that has been issued an active tax exemption  
15 identification number by the Department under Section 1g of the  
16 Retailers' Occupation Tax Act. If the equipment is leased in a  
17 manner that does not qualify for this exemption or is used in  
18 any other non-exempt manner, the lessor shall be liable for the  
19 tax imposed under this Act or the Use Tax Act, as the case may  
20 be, based on the fair market value of the property at the time  
21 the non-qualifying use occurs. No lessor shall collect or  
22 attempt to collect an amount (however designated) that purports  
23 to reimburse that lessor for the tax imposed by this Act or the  
24 Use Tax Act, as the case may be, if the tax has not been paid by  
25 the lessor. If a lessor improperly collects any such amount  
26 from the lessee, the lessee shall have a legal right to claim a

1 refund of that amount from the lessor. If, however, that amount  
2 is not refunded to the lessee for any reason, the lessor is  
3 liable to pay that amount to the Department.

4 (16) Personal property purchased by a lessor who leases the  
5 property, under a lease of one year or longer executed or in  
6 effect at the time the lessor would otherwise be subject to the  
7 tax imposed by this Act, to a governmental body that has been  
8 issued an active tax exemption identification number by the  
9 Department under Section 1g of the Retailers' Occupation Tax  
10 Act. If the property is leased in a manner that does not  
11 qualify for this exemption or is used in any other non-exempt  
12 manner, the lessor shall be liable for the tax imposed under  
13 this Act or the Use Tax Act, as the case may be, based on the  
14 fair market value of the property at the time the  
15 non-qualifying use occurs. No lessor shall collect or attempt  
16 to collect an amount (however designated) that purports to  
17 reimburse that lessor for the tax imposed by this Act or the  
18 Use Tax Act, as the case may be, if the tax has not been paid by  
19 the lessor. If a lessor improperly collects any such amount  
20 from the lessee, the lessee shall have a legal right to claim a  
21 refund of that amount from the lessor. If, however, that amount  
22 is not refunded to the lessee for any reason, the lessor is  
23 liable to pay that amount to the Department.

24 (17) Beginning with taxable years ending on or after  
25 December 31, 1995 and ending with taxable years ending on or  
26 before December 31, 2004, personal property that is donated for

1 disaster relief to be used in a State or federally declared  
2 disaster area in Illinois or bordering Illinois by a  
3 manufacturer or retailer that is registered in this State to a  
4 corporation, society, association, foundation, or institution  
5 that has been issued a sales tax exemption identification  
6 number by the Department that assists victims of the disaster  
7 who reside within the declared disaster area.

8 (18) Beginning with taxable years ending on or after  
9 December 31, 1995 and ending with taxable years ending on or  
10 before December 31, 2004, personal property that is used in the  
11 performance of infrastructure repairs in this State, including  
12 but not limited to municipal roads and streets, access roads,  
13 bridges, sidewalks, waste disposal systems, water and sewer  
14 line extensions, water distribution and purification  
15 facilities, storm water drainage and retention facilities, and  
16 sewage treatment facilities, resulting from a State or  
17 federally declared disaster in Illinois or bordering Illinois  
18 when such repairs are initiated on facilities located in the  
19 declared disaster area within 6 months after the disaster.

20 (19) Beginning July 1, 1999, game or game birds purchased  
21 at a "game breeding and hunting preserve area" as that term is  
22 used in the Wildlife Code. This paragraph is exempt from the  
23 provisions of Section 3-75.

24 (20) A motor vehicle, as that term is defined in Section  
25 1-146 of the Illinois Vehicle Code, that is donated to a  
26 corporation, limited liability company, society, association,

1 foundation, or institution that is determined by the Department  
2 to be organized and operated exclusively for educational  
3 purposes. For purposes of this exemption, "a corporation,  
4 limited liability company, society, association, foundation,  
5 or institution organized and operated exclusively for  
6 educational purposes" means all tax-supported public schools,  
7 private schools that offer systematic instruction in useful  
8 branches of learning by methods common to public schools and  
9 that compare favorably in their scope and intensity with the  
10 course of study presented in tax-supported schools, and  
11 vocational or technical schools or institutes organized and  
12 operated exclusively to provide a course of study of not less  
13 than 6 weeks duration and designed to prepare individuals to  
14 follow a trade or to pursue a manual, technical, mechanical,  
15 industrial, business, or commercial occupation.

16 (21) Beginning January 1, 2000, personal property,  
17 including food, purchased through fundraising events for the  
18 benefit of a public or private elementary or secondary school,  
19 a group of those schools, or one or more school districts if  
20 the events are sponsored by an entity recognized by the school  
21 district that consists primarily of volunteers and includes  
22 parents and teachers of the school children. This paragraph  
23 does not apply to fundraising events (i) for the benefit of  
24 private home instruction or (ii) for which the fundraising  
25 entity purchases the personal property sold at the events from  
26 another individual or entity that sold the property for the

1 purpose of resale by the fundraising entity and that profits  
2 from the sale to the fundraising entity. This paragraph is  
3 exempt from the provisions of Section 3-75.

4 (22) Beginning January 1, 2000 and through December 31,  
5 2001, new or used automatic vending machines that prepare and  
6 serve hot food and beverages, including coffee, soup, and other  
7 items, and replacement parts for these machines. Beginning  
8 January 1, 2002 and through June 30, 2003, machines and parts  
9 for machines used in commercial, coin-operated amusement and  
10 vending business if a use or occupation tax is paid on the  
11 gross receipts derived from the use of the commercial,  
12 coin-operated amusement and vending machines. This paragraph  
13 is exempt from the provisions of Section 3-75.

14 (23) Beginning August 23, 2001 and through June 30, 2016,  
15 food for human consumption that is to be consumed off the  
16 premises where it is sold (other than alcoholic beverages, soft  
17 drinks, and food that has been prepared for immediate  
18 consumption) and prescription and nonprescription medicines,  
19 drugs, medical appliances, and insulin, urine testing  
20 materials, syringes, and needles used by diabetics, for human  
21 use, when purchased for use by a person receiving medical  
22 assistance under Article V of the Illinois Public Aid Code who  
23 resides in a licensed long-term care facility, as defined in  
24 the Nursing Home Care Act, or in a licensed facility as defined  
25 in the ID/DD Community Care Act, the MC/DD Act, or the  
26 Specialized Mental Health Rehabilitation Act of 2013.

1           (24) Beginning on August 2, 2001 (the effective date of  
2 Public Act 92-227), computers and communications equipment  
3 utilized for any hospital purpose and equipment used in the  
4 diagnosis, analysis, or treatment of hospital patients  
5 purchased by a lessor who leases the equipment, under a lease  
6 of one year or longer executed or in effect at the time the  
7 lessor would otherwise be subject to the tax imposed by this  
8 Act, to a hospital that has been issued an active tax exemption  
9 identification number by the Department under Section 1g of the  
10 Retailers' Occupation Tax Act. If the equipment is leased in a  
11 manner that does not qualify for this exemption or is used in  
12 any other nonexempt manner, the lessor shall be liable for the  
13 tax imposed under this Act or the Use Tax Act, as the case may  
14 be, based on the fair market value of the property at the time  
15 the nonqualifying use occurs. No lessor shall collect or  
16 attempt to collect an amount (however designated) that purports  
17 to reimburse that lessor for the tax imposed by this Act or the  
18 Use Tax Act, as the case may be, if the tax has not been paid by  
19 the lessor. If a lessor improperly collects any such amount  
20 from the lessee, the lessee shall have a legal right to claim a  
21 refund of that amount from the lessor. If, however, that amount  
22 is not refunded to the lessee for any reason, the lessor is  
23 liable to pay that amount to the Department. This paragraph is  
24 exempt from the provisions of Section 3-75.

25           (25) Beginning on August 2, 2001 (the effective date of  
26 Public Act 92-227), personal property purchased by a lessor who



1 leases the property, under a lease of one year or longer  
2 executed or in effect at the time the lessor would otherwise be  
3 subject to the tax imposed by this Act, to a governmental body  
4 that has been issued an active tax exemption identification  
5 number by the Department under Section 1g of the Retailers'  
6 Occupation Tax Act. If the property is leased in a manner that  
7 does not qualify for this exemption or is used in any other  
8 nonexempt manner, the lessor shall be liable for the tax  
9 imposed under this Act or the Use Tax Act, as the case may be,  
10 based on the fair market value of the property at the time the  
11 nonqualifying use occurs. No lessor shall collect or attempt to  
12 collect an amount (however designated) that purports to  
13 reimburse that lessor for the tax imposed by this Act or the  
14 Use Tax Act, as the case may be, if the tax has not been paid by  
15 the lessor. If a lessor improperly collects any such amount  
16 from the lessee, the lessee shall have a legal right to claim a  
17 refund of that amount from the lessor. If, however, that amount  
18 is not refunded to the lessee for any reason, the lessor is  
19 liable to pay that amount to the Department. This paragraph is  
20 exempt from the provisions of Section 3-75.

21 (26) Beginning January 1, 2008, tangible personal property  
22 used in the construction or maintenance of a community water  
23 supply, as defined under Section 3.145 of the Environmental  
24 Protection Act, that is operated by a not-for-profit  
25 corporation that holds a valid water supply permit issued under  
26 Title IV of the Environmental Protection Act. This paragraph is

1 exempt from the provisions of Section 3-75.

2 (27) Beginning January 1, 2010 and continuing through  
3 December 31, 2024, materials, parts, equipment, components,  
4 and furnishings incorporated into or upon an aircraft as part  
5 of the modification, refurbishment, completion, replacement,  
6 repair, or maintenance of the aircraft. This exemption includes  
7 consumable supplies used in the modification, refurbishment,  
8 completion, replacement, repair, and maintenance of aircraft,  
9 but excludes any materials, parts, equipment, components, and  
10 consumable supplies used in the modification, replacement,  
11 repair, and maintenance of aircraft engines or power plants,  
12 whether such engines or power plants are installed or  
13 uninstalled upon any such aircraft. "Consumable supplies"  
14 include, but are not limited to, adhesive, tape, sandpaper,  
15 general purpose lubricants, cleaning solution, latex gloves,  
16 and protective films. This exemption applies only to the use of  
17 qualifying tangible personal property transferred incident to  
18 the modification, refurbishment, completion, replacement,  
19 repair, or maintenance of aircraft by persons who (i) hold an  
20 Air Agency Certificate and are empowered to operate an approved  
21 repair station by the Federal Aviation Administration, (ii)  
22 have a Class IV Rating, and (iii) conduct operations in  
23 accordance with Part 145 of the Federal Aviation Regulations.  
24 The exemption does not include aircraft operated by a  
25 commercial air carrier providing scheduled passenger air  
26 service pursuant to authority issued under Part 121 or Part 129

1 of the Federal Aviation Regulations. The changes made to this  
2 paragraph (27) by Public Act 98-534 are declarative of existing  
3 law. It is the intent of the General Assembly that the  
4 exemption under this paragraph (27) applies continuously from  
5 January 1, 2010 through December 31, 2024; however, no claim  
6 for credit or refund is allowed for taxes paid as a result of  
7 the disallowance of this exemption on or after January 1, 2015  
8 and prior to the effective date of this amendatory Act of the  
9 101st General Assembly.

10 (28) Tangible personal property purchased by a  
11 public-facilities corporation, as described in Section  
12 11-65-10 of the Illinois Municipal Code, for purposes of  
13 constructing or furnishing a municipal convention hall, but  
14 only if the legal title to the municipal convention hall is  
15 transferred to the municipality without any further  
16 consideration by or on behalf of the municipality at the time  
17 of the completion of the municipal convention hall or upon the  
18 retirement or redemption of any bonds or other debt instruments  
19 issued by the public-facilities corporation in connection with  
20 the development of the municipal convention hall. This  
21 exemption includes existing public-facilities corporations as  
22 provided in Section 11-65-25 of the Illinois Municipal Code.  
23 This paragraph is exempt from the provisions of Section 3-75.

24 (29) Beginning January 1, 2017, menstrual pads, tampons,  
25 and menstrual cups.

26 (30) Tangible personal property transferred to a purchaser

1 who is exempt from the tax imposed by this Act by operation of  
2 federal law. This paragraph is exempt from the provisions of  
3 Section 3-75.

4 ~~(31) Qualified tangible personal property used in the~~  
5 ~~construction or operation of a data center that has been~~  
6 ~~granted a certificate of exemption by the Department of~~  
7 ~~Commerce and Economic Opportunity, whether that tangible~~  
8 ~~personal property is purchased by the owner, operator, or~~  
9 ~~tenant of the data center or by a contractor or subcontractor~~  
10 ~~of the owner, operator, or tenant. Data centers that would have~~  
11 ~~qualified for a certificate of exemption prior to January 1,~~  
12 ~~2020 had this amendatory Act of the 101st General Assembly been~~  
13 ~~in effect, may apply for and obtain an exemption for subsequent~~  
14 ~~purchases of computer equipment or enabling software purchased~~  
15 ~~or leased to upgrade, supplement, or replace computer equipment~~  
16 ~~or enabling software purchased or leased in the original~~  
17 ~~investment that would have qualified.~~

18 ~~The Department of Commerce and Economic Opportunity shall~~  
19 ~~grant a certificate of exemption under this item (31) to~~  
20 ~~qualified data centers as defined by Section 605-1025 of the~~  
21 ~~Department of Commerce and Economic Opportunity Law of the~~  
22 ~~Civil Administrative Code of Illinois.~~

23 ~~For the purposes of this item (31):~~

24 ~~"Data center" means a building or a series of buildings~~  
25 ~~rehabilitated or constructed to house working servers in~~  
26 ~~one physical location or multiple sites within the State of~~

1 ~~Illinois.~~

2 ~~"Qualified tangible personal property" means:~~  
3 ~~electrical systems and equipment; climate control and~~  
4 ~~chilling equipment and systems; mechanical systems and~~  
5 ~~equipment; monitoring and secure systems; emergency~~  
6 ~~generators; hardware; computers; servers; data storage~~  
7 ~~devices; network connectivity equipment; racks; cabinets;~~  
8 ~~telecommunications cabling infrastructure; raised floor~~  
9 ~~systems; peripheral components or systems; software;~~  
10 ~~mechanical, electrical, or plumbing systems; battery~~  
11 ~~systems; cooling systems and towers; temperature control~~  
12 ~~systems; other cabling; and other data center~~  
13 ~~infrastructure equipment and systems necessary to operate~~  
14 ~~qualified tangible personal property, including fixtures;~~  
15 ~~and component parts of any of the foregoing, including~~  
16 ~~installation, maintenance, repair, refurbishment, and~~  
17 ~~replacement of qualified tangible personal property to~~  
18 ~~generate, transform, transmit, distribute, or manage~~  
19 ~~electricity necessary to operate qualified tangible~~  
20 ~~personal property; and all other tangible personal~~  
21 ~~property that is essential to the operations of a computer~~  
22 ~~data center. The term "qualified tangible personal~~  
23 ~~property" also includes building materials physically~~  
24 ~~incorporated in to the qualifying data center. To document~~  
25 ~~the exemption allowed under this Section, the retailer must~~  
26 ~~obtain from the purchaser a copy of the certificate of~~

1 ~~eligibility issued by the Department of Commerce and~~  
2 ~~Economic Opportunity.~~

3 ~~This item (31) is exempt from the provisions of Section~~  
4 ~~3-75.~~

5 (Source: P.A. 100-22, eff. 7-6-17; 100-594, eff. 6-29-18;  
6 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81, eff.  
7 7-12-19; 101-629, eff. 2-5-20.)

8 Section 10-40. The Service Occupation Tax Act is amended by  
9 changing Section 3-5 as follows:

10 (35 ILCS 115/3-5)

11 Sec. 3-5. Exemptions. The following tangible personal  
12 property is exempt from the tax imposed by this Act:

13 (1) Personal property sold by a corporation, society,  
14 association, foundation, institution, or organization, other  
15 than a limited liability company, that is organized and  
16 operated as a not-for-profit service enterprise for the benefit  
17 of persons 65 years of age or older if the personal property  
18 was not purchased by the enterprise for the purpose of resale  
19 by the enterprise.

20 (2) Personal property purchased by a not-for-profit  
21 Illinois county fair association for use in conducting,  
22 operating, or promoting the county fair.

23 (3) Personal property purchased by any not-for-profit arts  
24 or cultural organization that establishes, by proof required by

1 the Department by rule, that it has received an exemption under  
2 Section 501(c)(3) of the Internal Revenue Code and that is  
3 organized and operated primarily for the presentation or  
4 support of arts or cultural programming, activities, or  
5 services. These organizations include, but are not limited to,  
6 music and dramatic arts organizations such as symphony  
7 orchestras and theatrical groups, arts and cultural service  
8 organizations, local arts councils, visual arts organizations,  
9 and media arts organizations. On and after July 1, 2001 (the  
10 effective date of Public Act 92-35), however, an entity  
11 otherwise eligible for this exemption shall not make tax-free  
12 purchases unless it has an active identification number issued  
13 by the Department.

14 (4) Legal tender, currency, medallions, or gold or silver  
15 coinage issued by the State of Illinois, the government of the  
16 United States of America, or the government of any foreign  
17 country, and bullion.

18 (5) Until July 1, 2003 and beginning again on September 1,  
19 2004 through August 30, 2014, graphic arts machinery and  
20 equipment, including repair and replacement parts, both new and  
21 used, and including that manufactured on special order or  
22 purchased for lease, certified by the purchaser to be used  
23 primarily for graphic arts production. Equipment includes  
24 chemicals or chemicals acting as catalysts but only if the  
25 chemicals or chemicals acting as catalysts effect a direct and  
26 immediate change upon a graphic arts product. Beginning on July

1 1, 2017, graphic arts machinery and equipment is included in  
2 the manufacturing and assembling machinery and equipment  
3 exemption under Section 2 of this Act.

4 (6) Personal property sold by a teacher-sponsored student  
5 organization affiliated with an elementary or secondary school  
6 located in Illinois.

7 (7) Farm machinery and equipment, both new and used,  
8 including that manufactured on special order, certified by the  
9 purchaser to be used primarily for production agriculture or  
10 State or federal agricultural programs, including individual  
11 replacement parts for the machinery and equipment, including  
12 machinery and equipment purchased for lease, and including  
13 implements of husbandry defined in Section 1-130 of the  
14 Illinois Vehicle Code, farm machinery and agricultural  
15 chemical and fertilizer spreaders, and nurse wagons required to  
16 be registered under Section 3-809 of the Illinois Vehicle Code,  
17 but excluding other motor vehicles required to be registered  
18 under the Illinois Vehicle Code. Horticultural polyhouses or  
19 hoop houses used for propagating, growing, or overwintering  
20 plants shall be considered farm machinery and equipment under  
21 this item (7). Agricultural chemical tender tanks and dry boxes  
22 shall include units sold separately from a motor vehicle  
23 required to be licensed and units sold mounted on a motor  
24 vehicle required to be licensed if the selling price of the  
25 tender is separately stated.

26 Farm machinery and equipment shall include precision



1 farming equipment that is installed or purchased to be  
2 installed on farm machinery and equipment including, but not  
3 limited to, tractors, harvesters, sprayers, planters, seeders,  
4 or spreaders. Precision farming equipment includes, but is not  
5 limited to, soil testing sensors, computers, monitors,  
6 software, global positioning and mapping systems, and other  
7 such equipment.

8 Farm machinery and equipment also includes computers,  
9 sensors, software, and related equipment used primarily in the  
10 computer-assisted operation of production agriculture  
11 facilities, equipment, and activities such as, but not limited  
12 to, the collection, monitoring, and correlation of animal and  
13 crop data for the purpose of formulating animal diets and  
14 agricultural chemicals. This item (7) is exempt from the  
15 provisions of Section 3-55.

16 (8) Until June 30, 2013, fuel and petroleum products sold  
17 to or used by an air common carrier, certified by the carrier  
18 to be used for consumption, shipment, or storage in the conduct  
19 of its business as an air common carrier, for a flight destined  
20 for or returning from a location or locations outside the  
21 United States without regard to previous or subsequent domestic  
22 stopovers.

23 Beginning July 1, 2013, fuel and petroleum products sold to  
24 or used by an air carrier, certified by the carrier to be used  
25 for consumption, shipment, or storage in the conduct of its  
26 business as an air common carrier, for a flight that (i) is

1 engaged in foreign trade or is engaged in trade between the  
2 United States and any of its possessions and (ii) transports at  
3 least one individual or package for hire from the city of  
4 origination to the city of final destination on the same  
5 aircraft, without regard to a change in the flight number of  
6 that aircraft.

7 (9) Proceeds of mandatory service charges separately  
8 stated on customers' bills for the purchase and consumption of  
9 food and beverages, to the extent that the proceeds of the  
10 service charge are in fact turned over as tips or as a  
11 substitute for tips to the employees who participate directly  
12 in preparing, serving, hosting or cleaning up the food or  
13 beverage function with respect to which the service charge is  
14 imposed.

15 (10) Until July 1, 2003, oil field exploration, drilling,  
16 and production equipment, including (i) rigs and parts of rigs,  
17 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
18 tubular goods, including casing and drill strings, (iii) pumps  
19 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
20 individual replacement part for oil field exploration,  
21 drilling, and production equipment, and (vi) machinery and  
22 equipment purchased for lease; but excluding motor vehicles  
23 required to be registered under the Illinois Vehicle Code.

24 (11) Photoprocessing machinery and equipment, including  
25 repair and replacement parts, both new and used, including that  
26 manufactured on special order, certified by the purchaser to be

1 used primarily for photoprocessing, and including  
2 photoprocessing machinery and equipment purchased for lease.

3 (12) Until July 1, 2023, coal and aggregate exploration,  
4 mining, off-highway hauling, processing, maintenance, and  
5 reclamation equipment, including replacement parts and  
6 equipment, and including equipment purchased for lease, but  
7 excluding motor vehicles required to be registered under the  
8 Illinois Vehicle Code. The changes made to this Section by  
9 Public Act 97-767 apply on and after July 1, 2003, but no claim  
10 for credit or refund is allowed on or after August 16, 2013  
11 (the effective date of Public Act 98-456) for such taxes paid  
12 during the period beginning July 1, 2003 and ending on August  
13 16, 2013 (the effective date of Public Act 98-456).

14 (13) Beginning January 1, 1992 and through June 30, 2016,  
15 food for human consumption that is to be consumed off the  
16 premises where it is sold (other than alcoholic beverages, soft  
17 drinks and food that has been prepared for immediate  
18 consumption) and prescription and non-prescription medicines,  
19 drugs, medical appliances, and insulin, urine testing  
20 materials, syringes, and needles used by diabetics, for human  
21 use, when purchased for use by a person receiving medical  
22 assistance under Article V of the Illinois Public Aid Code who  
23 resides in a licensed long-term care facility, as defined in  
24 the Nursing Home Care Act, or in a licensed facility as defined  
25 in the ID/DD Community Care Act, the MC/DD Act, or the  
26 Specialized Mental Health Rehabilitation Act of 2013.

1           (14) Semen used for artificial insemination of livestock  
2 for direct agricultural production.

3           (15) Horses, or interests in horses, registered with and  
4 meeting the requirements of any of the Arabian Horse Club  
5 Registry of America, Appaloosa Horse Club, American Quarter  
6 Horse Association, United States Trotting Association, or  
7 Jockey Club, as appropriate, used for purposes of breeding or  
8 racing for prizes. This item (15) is exempt from the provisions  
9 of Section 3-55, and the exemption provided for under this item  
10 (15) applies for all periods beginning May 30, 1995, but no  
11 claim for credit or refund is allowed on or after January 1,  
12 2008 (the effective date of Public Act 95-88) for such taxes  
13 paid during the period beginning May 30, 2000 and ending on  
14 January 1, 2008 (the effective date of Public Act 95-88).

15           (16) Computers and communications equipment utilized for  
16 any hospital purpose and equipment used in the diagnosis,  
17 analysis, or treatment of hospital patients sold to a lessor  
18 who leases the equipment, under a lease of one year or longer  
19 executed or in effect at the time of the purchase, to a  
20 hospital that has been issued an active tax exemption  
21 identification number by the Department under Section 1g of the  
22 Retailers' Occupation Tax Act.

23           (17) Personal property sold to a lessor who leases the  
24 property, under a lease of one year or longer executed or in  
25 effect at the time of the purchase, to a governmental body that  
26 has been issued an active tax exemption identification number

1 by the Department under Section 1g of the Retailers' Occupation  
2 Tax Act.

3 (18) Beginning with taxable years ending on or after  
4 December 31, 1995 and ending with taxable years ending on or  
5 before December 31, 2004, personal property that is donated for  
6 disaster relief to be used in a State or federally declared  
7 disaster area in Illinois or bordering Illinois by a  
8 manufacturer or retailer that is registered in this State to a  
9 corporation, society, association, foundation, or institution  
10 that has been issued a sales tax exemption identification  
11 number by the Department that assists victims of the disaster  
12 who reside within the declared disaster area.

13 (19) Beginning with taxable years ending on or after  
14 December 31, 1995 and ending with taxable years ending on or  
15 before December 31, 2004, personal property that is used in the  
16 performance of infrastructure repairs in this State, including  
17 but not limited to municipal roads and streets, access roads,  
18 bridges, sidewalks, waste disposal systems, water and sewer  
19 line extensions, water distribution and purification  
20 facilities, storm water drainage and retention facilities, and  
21 sewage treatment facilities, resulting from a State or  
22 federally declared disaster in Illinois or bordering Illinois  
23 when such repairs are initiated on facilities located in the  
24 declared disaster area within 6 months after the disaster.

25 (20) Beginning July 1, 1999, game or game birds sold at a  
26 "game breeding and hunting preserve area" as that term is used

1 in the Wildlife Code. This paragraph is exempt from the  
2 provisions of Section 3-55.

3 (21) A motor vehicle, as that term is defined in Section  
4 1-146 of the Illinois Vehicle Code, that is donated to a  
5 corporation, limited liability company, society, association,  
6 foundation, or institution that is determined by the Department  
7 to be organized and operated exclusively for educational  
8 purposes. For purposes of this exemption, "a corporation,  
9 limited liability company, society, association, foundation,  
10 or institution organized and operated exclusively for  
11 educational purposes" means all tax-supported public schools,  
12 private schools that offer systematic instruction in useful  
13 branches of learning by methods common to public schools and  
14 that compare favorably in their scope and intensity with the  
15 course of study presented in tax-supported schools, and  
16 vocational or technical schools or institutes organized and  
17 operated exclusively to provide a course of study of not less  
18 than 6 weeks duration and designed to prepare individuals to  
19 follow a trade or to pursue a manual, technical, mechanical,  
20 industrial, business, or commercial occupation.

21 (22) Beginning January 1, 2000, personal property,  
22 including food, purchased through fundraising events for the  
23 benefit of a public or private elementary or secondary school,  
24 a group of those schools, or one or more school districts if  
25 the events are sponsored by an entity recognized by the school  
26 district that consists primarily of volunteers and includes

1 parents and teachers of the school children. This paragraph  
2 does not apply to fundraising events (i) for the benefit of  
3 private home instruction or (ii) for which the fundraising  
4 entity purchases the personal property sold at the events from  
5 another individual or entity that sold the property for the  
6 purpose of resale by the fundraising entity and that profits  
7 from the sale to the fundraising entity. This paragraph is  
8 exempt from the provisions of Section 3-55.

9 (23) Beginning January 1, 2000 and through December 31,  
10 2001, new or used automatic vending machines that prepare and  
11 serve hot food and beverages, including coffee, soup, and other  
12 items, and replacement parts for these machines. Beginning  
13 January 1, 2002 and through June 30, 2003, machines and parts  
14 for machines used in commercial, coin-operated amusement and  
15 vending business if a use or occupation tax is paid on the  
16 gross receipts derived from the use of the commercial,  
17 coin-operated amusement and vending machines. This paragraph  
18 is exempt from the provisions of Section 3-55.

19 (24) Beginning on August 2, 2001 (the effective date of  
20 Public Act 92-227), computers and communications equipment  
21 utilized for any hospital purpose and equipment used in the  
22 diagnosis, analysis, or treatment of hospital patients sold to  
23 a lessor who leases the equipment, under a lease of one year or  
24 longer executed or in effect at the time of the purchase, to a  
25 hospital that has been issued an active tax exemption  
26 identification number by the Department under Section 1g of the

1 Retailers' Occupation Tax Act. This paragraph is exempt from  
2 the provisions of Section 3-55.

3 (25) Beginning on August 2, 2001 (the effective date of  
4 Public Act 92-227), personal property sold to a lessor who  
5 leases the property, under a lease of one year or longer  
6 executed or in effect at the time of the purchase, to a  
7 governmental body that has been issued an active tax exemption  
8 identification number by the Department under Section 1g of the  
9 Retailers' Occupation Tax Act. This paragraph is exempt from  
10 the provisions of Section 3-55.

11 (26) Beginning on January 1, 2002 and through June 30,  
12 2016, tangible personal property purchased from an Illinois  
13 retailer by a taxpayer engaged in centralized purchasing  
14 activities in Illinois who will, upon receipt of the property  
15 in Illinois, temporarily store the property in Illinois (i) for  
16 the purpose of subsequently transporting it outside this State  
17 for use or consumption thereafter solely outside this State or  
18 (ii) for the purpose of being processed, fabricated, or  
19 manufactured into, attached to, or incorporated into other  
20 tangible personal property to be transported outside this State  
21 and thereafter used or consumed solely outside this State. The  
22 Director of Revenue shall, pursuant to rules adopted in  
23 accordance with the Illinois Administrative Procedure Act,  
24 issue a permit to any taxpayer in good standing with the  
25 Department who is eligible for the exemption under this  
26 paragraph (26). The permit issued under this paragraph (26)



1 shall authorize the holder, to the extent and in the manner  
2 specified in the rules adopted under this Act, to purchase  
3 tangible personal property from a retailer exempt from the  
4 taxes imposed by this Act. Taxpayers shall maintain all  
5 necessary books and records to substantiate the use and  
6 consumption of all such tangible personal property outside of  
7 the State of Illinois.

8 (27) Beginning January 1, 2008, tangible personal property  
9 used in the construction or maintenance of a community water  
10 supply, as defined under Section 3.145 of the Environmental  
11 Protection Act, that is operated by a not-for-profit  
12 corporation that holds a valid water supply permit issued under  
13 Title IV of the Environmental Protection Act. This paragraph is  
14 exempt from the provisions of Section 3-55.

15 (28) Tangible personal property sold to a  
16 public-facilities corporation, as described in Section  
17 11-65-10 of the Illinois Municipal Code, for purposes of  
18 constructing or furnishing a municipal convention hall, but  
19 only if the legal title to the municipal convention hall is  
20 transferred to the municipality without any further  
21 consideration by or on behalf of the municipality at the time  
22 of the completion of the municipal convention hall or upon the  
23 retirement or redemption of any bonds or other debt instruments  
24 issued by the public-facilities corporation in connection with  
25 the development of the municipal convention hall. This  
26 exemption includes existing public-facilities corporations as

1 provided in Section 11-65-25 of the Illinois Municipal Code.

2 This paragraph is exempt from the provisions of Section 3-55.

3 (29) Beginning January 1, 2010 and continuing through  
4 December 31, 2024, materials, parts, equipment, components,  
5 and furnishings incorporated into or upon an aircraft as part  
6 of the modification, refurbishment, completion, replacement,  
7 repair, or maintenance of the aircraft. This exemption includes  
8 consumable supplies used in the modification, refurbishment,  
9 completion, replacement, repair, and maintenance of aircraft,  
10 but excludes any materials, parts, equipment, components, and  
11 consumable supplies used in the modification, replacement,  
12 repair, and maintenance of aircraft engines or power plants,  
13 whether such engines or power plants are installed or  
14 uninstalled upon any such aircraft. "Consumable supplies"  
15 include, but are not limited to, adhesive, tape, sandpaper,  
16 general purpose lubricants, cleaning solution, latex gloves,  
17 and protective films. This exemption applies only to the  
18 transfer of qualifying tangible personal property incident to  
19 the modification, refurbishment, completion, replacement,  
20 repair, or maintenance of an aircraft by persons who (i) hold  
21 an Air Agency Certificate and are empowered to operate an  
22 approved repair station by the Federal Aviation  
23 Administration, (ii) have a Class IV Rating, and (iii) conduct  
24 operations in accordance with Part 145 of the Federal Aviation  
25 Regulations. The exemption does not include aircraft operated  
26 by a commercial air carrier providing scheduled passenger air

1 service pursuant to authority issued under Part 121 or Part 129  
2 of the Federal Aviation Regulations. The changes made to this  
3 paragraph (29) by Public Act 98-534 are declarative of existing  
4 law. It is the intent of the General Assembly that the  
5 exemption under this paragraph (29) applies continuously from  
6 January 1, 2010 through December 31, 2024; however, no claim  
7 for credit or refund is allowed for taxes paid as a result of  
8 the disallowance of this exemption on or after January 1, 2015  
9 and prior to the effective date of this amendatory Act of the  
10 101st General Assembly.

11 (30) Beginning January 1, 2017, menstrual pads, tampons,  
12 and menstrual cups.

13 (31) Tangible personal property transferred to a purchaser  
14 who is exempt from tax by operation of federal law. This  
15 paragraph is exempt from the provisions of Section 3-55.

16 ~~(32) Qualified tangible personal property used in the~~  
17 ~~construction or operation of a data center that has been~~  
18 ~~granted a certificate of exemption by the Department of~~  
19 ~~Commerce and Economic Opportunity, whether that tangible~~  
20 ~~personal property is purchased by the owner, operator, or~~  
21 ~~tenant of the data center or by a contractor or subcontractor~~  
22 ~~of the owner, operator, or tenant. Data centers that would have~~  
23 ~~qualified for a certificate of exemption prior to January 1,~~  
24 ~~2020 had this amendatory Act of the 101st General Assembly been~~  
25 ~~in effect, may apply for and obtain an exemption for subsequent~~  
26 ~~purchases of computer equipment or enabling software purchased~~

1 ~~or leased to upgrade, supplement, or replace computer equipment~~  
2 ~~or enabling software purchased or leased in the original~~  
3 ~~investment that would have qualified.~~

4 ~~The Department of Commerce and Economic Opportunity shall~~  
5 ~~grant a certificate of exemption under this item (32) to~~  
6 ~~qualified data centers as defined by Section 605 1025 of the~~  
7 ~~Department of Commerce and Economic Opportunity Law of the~~  
8 ~~Civil Administrative Code of Illinois.~~

9 ~~For the purposes of this item (32):~~

10 ~~"Data center" means a building or a series of buildings~~  
11 ~~rehabilitated or constructed to house working servers in~~  
12 ~~one physical location or multiple sites within the State of~~  
13 ~~Illinois.~~

14 ~~"Qualified tangible personal property" means:~~  
15 ~~electrical systems and equipment; climate control and~~  
16 ~~chilling equipment and systems; mechanical systems and~~  
17 ~~equipment; monitoring and secure systems; emergency~~  
18 ~~generators; hardware; computers; servers; data storage~~  
19 ~~devices; network connectivity equipment; racks; cabinets;~~  
20 ~~telecommunications cabling infrastructure; raised floor~~  
21 ~~systems; peripheral components or systems; software;~~  
22 ~~mechanical, electrical, or plumbing systems; battery~~  
23 ~~systems; cooling systems and towers; temperature control~~  
24 ~~systems; other cabling; and other data center~~  
25 ~~infrastructure equipment and systems necessary to operate~~  
26 ~~qualified tangible personal property, including fixtures;~~

1 ~~and component parts of any of the foregoing, including~~  
2 ~~installation, maintenance, repair, refurbishment, and~~  
3 ~~replacement of qualified tangible personal property to~~  
4 ~~generate, transform, transmit, distribute, or manage~~  
5 ~~electricity necessary to operate qualified tangible~~  
6 ~~personal property; and all other tangible personal~~  
7 ~~property that is essential to the operations of a computer~~  
8 ~~data center. The term "qualified tangible personal~~  
9 ~~property" also includes building materials physically~~  
10 ~~incorporated in to the qualifying data center. To document~~  
11 ~~the exemption allowed under this Section, the retailer must~~  
12 ~~obtain from the purchaser a copy of the certificate of~~  
13 ~~eligibility issued by the Department of Commerce and~~  
14 ~~Economic Opportunity.~~

15 ~~This item (32) is exempt from the provisions of Section~~  
16 ~~3-55.~~

17 (Source: P.A. 100-22, eff. 7-6-17; 100-594, eff. 6-29-18;  
18 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81, eff.  
19 7-12-19; 101-629, eff. 2-5-20.)

20 Section 10-45. The Retailers' Occupation Tax Act is amended  
21 by changing Sections 1, 2, 2-5, 2-12, and 2a as follows:

22 (35 ILCS 120/1) (from Ch. 120, par. 440)

23 Sec. 1. Definitions. "Sale at retail" means any transfer of  
24 the ownership of or title to tangible personal property to a

1 purchaser, for the purpose of use or consumption, and not for  
2 the purpose of resale in any form as tangible personal property  
3 to the extent not first subjected to a use for which it was  
4 purchased, for a valuable consideration: Provided that the  
5 property purchased is deemed to be purchased for the purpose of  
6 resale, despite first being used, to the extent to which it is  
7 resold as an ingredient of an intentionally produced product or  
8 byproduct of manufacturing. For this purpose, slag produced as  
9 an incident to manufacturing pig iron or steel and sold is  
10 considered to be an intentionally produced byproduct of  
11 manufacturing. Transactions whereby the possession of the  
12 property is transferred but the seller retains the title as  
13 security for payment of the selling price shall be deemed to be  
14 sales.

15 "Sale at retail" shall be construed to include any transfer  
16 of the ownership of or title to tangible personal property to a  
17 purchaser, for use or consumption by any other person to whom  
18 such purchaser may transfer the tangible personal property  
19 without a valuable consideration, and to include any transfer,  
20 whether made for or without a valuable consideration, for  
21 resale in any form as tangible personal property unless made in  
22 compliance with Section 2c of this Act.

23 Sales of tangible personal property, which property, to the  
24 extent not first subjected to a use for which it was purchased,  
25 as an ingredient or constituent, goes into and forms a part of  
26 tangible personal property subsequently the subject of a "Sale

1 at retail", are not sales at retail as defined in this Act:  
2 Provided that the property purchased is deemed to be purchased  
3 for the purpose of resale, despite first being used, to the  
4 extent to which it is resold as an ingredient of an  
5 intentionally produced product or byproduct of manufacturing.

6 "Sale at retail" shall be construed to include any Illinois  
7 florist's sales transaction in which the purchase order is  
8 received in Illinois by a florist and the sale is for use or  
9 consumption, but the Illinois florist has a florist in another  
10 state deliver the property to the purchaser or the purchaser's  
11 donee in such other state.

12 Nonreusable tangible personal property that is used by  
13 persons engaged in the business of operating a restaurant,  
14 cafeteria, or drive-in is a sale for resale when it is  
15 transferred to customers in the ordinary course of business as  
16 part of the sale of food or beverages and is used to deliver,  
17 package, or consume food or beverages, regardless of where  
18 consumption of the food or beverages occurs. Examples of those  
19 items include, but are not limited to nonreusable, paper and  
20 plastic cups, plates, baskets, boxes, sleeves, buckets or other  
21 containers, utensils, straws, placemats, napkins, doggie bags,  
22 and wrapping or packaging materials that are transferred to  
23 customers as part of the sale of food or beverages in the  
24 ordinary course of business.

25 The purchase, employment and transfer of such tangible  
26 personal property as newsprint and ink for the primary purpose

1 of conveying news (with or without other information) is not a  
2 purchase, use or sale of tangible personal property.

3 A person whose activities are organized and conducted  
4 primarily as a not-for-profit service enterprise, and who  
5 engages in selling tangible personal property at retail  
6 (whether to the public or merely to members and their guests)  
7 is engaged in the business of selling tangible personal  
8 property at retail with respect to such transactions, excepting  
9 only a person organized and operated exclusively for  
10 charitable, religious or educational purposes either (1), to  
11 the extent of sales by such person to its members, students,  
12 patients or inmates of tangible personal property to be used  
13 primarily for the purposes of such person, or (2), to the  
14 extent of sales by such person of tangible personal property  
15 which is not sold or offered for sale by persons organized for  
16 profit. The selling of school books and school supplies by  
17 schools at retail to students is not "primarily for the  
18 purposes of" the school which does such selling. The provisions  
19 of this paragraph shall not apply to nor subject to taxation  
20 occasional dinners, socials or similar activities of a person  
21 organized and operated exclusively for charitable, religious  
22 or educational purposes, whether or not such activities are  
23 open to the public.

24 A person who is the recipient of a grant or contract under  
25 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and  
26 serves meals to participants in the federal Nutrition Program



1 for the Elderly in return for contributions established in  
2 amount by the individual participant pursuant to a schedule of  
3 suggested fees as provided for in the federal Act is not  
4 engaged in the business of selling tangible personal property  
5 at retail with respect to such transactions.

6 "Purchaser" means anyone who, through a sale at retail,  
7 acquires the ownership of or title to tangible personal  
8 property for a valuable consideration.

9 "Reseller of motor fuel" means any person engaged in the  
10 business of selling or delivering or transferring title of  
11 motor fuel to another person other than for use or consumption.  
12 No person shall act as a reseller of motor fuel within this  
13 State without first being registered as a reseller pursuant to  
14 Section 2c or a retailer pursuant to Section 2a.

15 "Selling price" or the "amount of sale" means the  
16 consideration for a sale valued in money whether received in  
17 money or otherwise, including cash, credits, property, other  
18 than as hereinafter provided, and services, but, ~~prior to~~  
19 ~~January 1, 2020,~~ not including the value of or credit given for  
20 traded-in tangible personal property where the item that is  
21 traded-in is of like kind and character as that which is being  
22 sold, and ~~beginning January 1, 2020, "selling price" includes~~  
23 ~~the portion of the value of or credit given for traded-in motor~~  
24 ~~vehicles of the First Division as defined in Section 1-146 of~~  
25 ~~the Illinois Vehicle Code of like kind and character as that~~  
26 ~~which is being sold that exceeds \$10,000. "Selling price" shall~~

1 be determined without any deduction on account of the cost of  
2 the property sold, the cost of materials used, labor or service  
3 cost or any other expense whatsoever, but does not include  
4 charges that are added to prices by sellers on account of the  
5 seller's tax liability under this Act, or on account of the  
6 seller's duty to collect, from the purchaser, the tax that is  
7 imposed by the Use Tax Act, or, except as otherwise provided  
8 with respect to any cigarette tax imposed by a home rule unit,  
9 on account of the seller's tax liability under any local  
10 occupation tax administered by the Department, or, except as  
11 otherwise provided with respect to any cigarette tax imposed by  
12 a home rule unit on account of the seller's duty to collect,  
13 from the purchasers, the tax that is imposed under any local  
14 use tax administered by the Department. Effective December 1,  
15 1985, "selling price" shall include charges that are added to  
16 prices by sellers on account of the seller's tax liability  
17 under the Cigarette Tax Act, on account of the sellers' duty to  
18 collect, from the purchaser, the tax imposed under the  
19 Cigarette Use Tax Act, and on account of the seller's duty to  
20 collect, from the purchaser, any cigarette tax imposed by a  
21 home rule unit.

22 Notwithstanding any law to the contrary, for any motor  
23 vehicle, as defined in Section 1-146 of the Vehicle Code, that  
24 is sold on or after January 1, 2015 for the purpose of leasing  
25 the vehicle for a defined period that is longer than one year  
26 and (1) is a motor vehicle of the second division that: (A) is

1 a self-contained motor vehicle designed or permanently  
2 converted to provide living quarters for recreational,  
3 camping, or travel use, with direct walk through access to the  
4 living quarters from the driver's seat; (B) is of the van  
5 configuration designed for the transportation of not less than  
6 7 nor more than 16 passengers; or (C) has a gross vehicle  
7 weight rating of 8,000 pounds or less or (2) is a motor vehicle  
8 of the first division, "selling price" or "amount of sale"  
9 means the consideration received by the lessor pursuant to the  
10 lease contract, including amounts due at lease signing and all  
11 monthly or other regular payments charged over the term of the  
12 lease. Also included in the selling price is any amount  
13 received by the lessor from the lessee for the leased vehicle  
14 that is not calculated at the time the lease is executed,  
15 including, but not limited to, excess mileage charges and  
16 charges for excess wear and tear. For sales that occur in  
17 Illinois, with respect to any amount received by the lessor  
18 from the lessee for the leased vehicle that is not calculated  
19 at the time the lease is executed, the lessor who purchased the  
20 motor vehicle does not incur the tax imposed by the Use Tax Act  
21 on those amounts, and the retailer who makes the retail sale of  
22 the motor vehicle to the lessor is not required to collect the  
23 tax imposed by the Use Tax Act or to pay the tax imposed by this  
24 Act on those amounts. However, the lessor who purchased the  
25 motor vehicle assumes the liability for reporting and paying  
26 the tax on those amounts directly to the Department in the same

1 form (Illinois Retailers' Occupation Tax, and local retailers'  
2 occupation taxes, if applicable) in which the retailer would  
3 have reported and paid such tax if the retailer had accounted  
4 for the tax to the Department. For amounts received by the  
5 lessor from the lessee that are not calculated at the time the  
6 lease is executed, the lessor must file the return and pay the  
7 tax to the Department by the due date otherwise required by  
8 this Act for returns other than transaction returns. If the  
9 retailer is entitled under this Act to a discount for  
10 collecting and remitting the tax imposed under this Act to the  
11 Department with respect to the sale of the motor vehicle to the  
12 lessor, then the right to the discount provided in this Act  
13 shall be transferred to the lessor with respect to the tax paid  
14 by the lessor for any amount received by the lessor from the  
15 lessee for the leased vehicle that is not calculated at the  
16 time the lease is executed; provided that the discount is only  
17 allowed if the return is timely filed and for amounts timely  
18 paid. The "selling price" of a motor vehicle that is sold on or  
19 after January 1, 2015 for the purpose of leasing for a defined  
20 period of longer than one year shall not be reduced by the  
21 value of or credit given for traded-in tangible personal  
22 property owned by the lessor, nor shall it be reduced by the  
23 value of or credit given for traded-in tangible personal  
24 property owned by the lessee, regardless of whether the  
25 trade-in value thereof is assigned by the lessee to the lessor.  
26 In the case of a motor vehicle that is sold for the purpose of

1 leasing for a defined period of longer than one year, the sale  
2 occurs at the time of the delivery of the vehicle, regardless  
3 of the due date of any lease payments. A lessor who incurs a  
4 Retailers' Occupation Tax liability on the sale of a motor  
5 vehicle coming off lease may not take a credit against that  
6 liability for the Use Tax the lessor paid upon the purchase of  
7 the motor vehicle (or for any tax the lessor paid with respect  
8 to any amount received by the lessor from the lessee for the  
9 leased vehicle that was not calculated at the time the lease  
10 was executed) if the selling price of the motor vehicle at the  
11 time of purchase was calculated using the definition of  
12 "selling price" as defined in this paragraph. Notwithstanding  
13 any other provision of this Act to the contrary, lessors shall  
14 file all returns and make all payments required under this  
15 paragraph to the Department by electronic means in the manner  
16 and form as required by the Department. This paragraph does not  
17 apply to leases of motor vehicles for which, at the time the  
18 lease is entered into, the term of the lease is not a defined  
19 period, including leases with a defined initial period with the  
20 option to continue the lease on a month-to-month or other basis  
21 beyond the initial defined period.

22 The phrase "like kind and character" shall be liberally  
23 construed (including but not limited to any form of motor  
24 vehicle for any form of motor vehicle, or any kind of farm or  
25 agricultural implement for any other kind of farm or  
26 agricultural implement), while not including a kind of item

1 which, if sold at retail by that retailer, would be exempt from  
2 retailers' occupation tax and use tax as an isolated or  
3 occasional sale.

4 "Gross receipts" from the sales of tangible personal  
5 property at retail means the total selling price or the amount  
6 of such sales, as hereinbefore defined. In the case of charge  
7 and time sales, the amount thereof shall be included only as  
8 and when payments are received by the seller. Receipts or other  
9 consideration derived by a seller from the sale, transfer or  
10 assignment of accounts receivable to a wholly owned subsidiary  
11 will not be deemed payments prior to the time the purchaser  
12 makes payment on such accounts.

13 "Department" means the Department of Revenue.

14 "Person" means any natural individual, firm, partnership,  
15 association, joint stock company, joint adventure, public or  
16 private corporation, limited liability company, or a receiver,  
17 executor, trustee, guardian or other representative appointed  
18 by order of any court.

19 The isolated or occasional sale of tangible personal  
20 property at retail by a person who does not hold himself out as  
21 being engaged (or who does not habitually engage) in selling  
22 such tangible personal property at retail, or a sale through a  
23 bulk vending machine, does not constitute engaging in a  
24 business of selling such tangible personal property at retail  
25 within the meaning of this Act; provided that any person who is  
26 engaged in a business which is not subject to the tax imposed

1 by this Act because of involving the sale of or a contract to  
2 sell real estate or a construction contract to improve real  
3 estate or a construction contract to engineer, install, and  
4 maintain an integrated system of products, but who, in the  
5 course of conducting such business, transfers tangible  
6 personal property to users or consumers in the finished form in  
7 which it was purchased, and which does not become real estate  
8 or was not engineered and installed, under any provision of a  
9 construction contract or real estate sale or real estate sales  
10 agreement entered into with some other person arising out of or  
11 because of such nontaxable business, is engaged in the business  
12 of selling tangible personal property at retail to the extent  
13 of the value of the tangible personal property so transferred.  
14 If, in such a transaction, a separate charge is made for the  
15 tangible personal property so transferred, the value of such  
16 property, for the purpose of this Act, shall be the amount so  
17 separately charged, but not less than the cost of such property  
18 to the transferor; if no separate charge is made, the value of  
19 such property, for the purposes of this Act, is the cost to the  
20 transferor of such tangible personal property. Construction  
21 contracts for the improvement of real estate consisting of  
22 engineering, installation, and maintenance of voice, data,  
23 video, security, and all telecommunication systems do not  
24 constitute engaging in a business of selling tangible personal  
25 property at retail within the meaning of this Act if they are  
26 sold at one specified contract price.

1           A person who holds himself or herself out as being engaged  
2           (or who habitually engages) in selling tangible personal  
3           property at retail is a person engaged in the business of  
4           selling tangible personal property at retail hereunder with  
5           respect to such sales (and not primarily in a service  
6           occupation) notwithstanding the fact that such person designs  
7           and produces such tangible personal property on special order  
8           for the purchaser and in such a way as to render the property  
9           of value only to such purchaser, if such tangible personal  
10          property so produced on special order serves substantially the  
11          same function as stock or standard items of tangible personal  
12          property that are sold at retail.

13          Persons who engage in the business of transferring tangible  
14          personal property upon the redemption of trading stamps are  
15          engaged in the business of selling such property at retail and  
16          shall be liable for and shall pay the tax imposed by this Act  
17          on the basis of the retail value of the property transferred  
18          upon redemption of such stamps.

19          "Bulk vending machine" means a vending machine, containing  
20          unsorted confections, nuts, toys, or other items designed  
21          primarily to be used or played with by children which, when a  
22          coin or coins of a denomination not larger than \$0.50 are  
23          inserted, are dispensed in equal portions, at random and  
24          without selection by the customer.

25          ~~"Remote retailer" means a retailer that does not maintain~~  
26          ~~within this State, directly or by a subsidiary, an office,~~



1 ~~distribution house, sales house, warehouse or other place of~~  
2 ~~business, or any agent or other representative operating within~~  
3 ~~this State under the authority of the retailer or its~~  
4 ~~subsidiary, irrespective of whether such place of business or~~  
5 ~~agent is located here permanently or temporarily or whether~~  
6 ~~such retailer or subsidiary is licensed to do business in this~~  
7 ~~State.~~

8 "Marketplace" means a physical or electronic place, forum,  
9 platform, application, or other method by which a marketplace  
10 seller sells or offers to sell items.

11 "Marketplace facilitator" means a person who, pursuant to  
12 an agreement with an unrelated third-party marketplace seller,  
13 directly or indirectly through one or more affiliates  
14 facilitates a retail sale by an unrelated third party  
15 marketplace seller by:

16 (1) listing or advertising for sale by the marketplace  
17 seller in a marketplace, tangible personal property that is  
18 subject to tax under this Act; and

19 (2) either directly or indirectly, through agreements  
20 or arrangements with third parties, collecting payment  
21 from the customer and transmitting that payment to the  
22 marketplace seller regardless of whether the marketplace  
23 facilitator receives compensation or other consideration  
24 in exchange for its services.

25 A person who provides advertising services, including  
26 listing products for sale, is not considered a marketplace

1 facilitator, so long as the advertising service platform or  
2 forum does not engage, directly or indirectly through one or  
3 more affiliated persons, in the activities described in  
4 paragraph (2) of this definition of "marketplace facilitator".

5 "Marketplace seller" means a person that makes sales  
6 through a marketplace operated by an unrelated third party  
7 marketplace facilitator.

8 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 1-1-20.)

9 (35 ILCS 120/2) (from Ch. 120, par. 441)

10 Sec. 2. Tax imposed.

11 (a) A tax is imposed upon persons engaged in the business  
12 of selling at retail tangible personal property, including  
13 computer software, and including photographs, negatives, and  
14 positives that are the product of photoprocessing, but not  
15 including products of photoprocessing produced for use in  
16 motion pictures for public commercial exhibition. Beginning  
17 January 1, 2001, prepaid telephone calling arrangements shall  
18 be considered tangible personal property subject to the tax  
19 imposed under this Act regardless of the form in which those  
20 arrangements may be embodied, transmitted, or fixed by any  
21 method now known or hereafter developed. Sales of (1)  
22 electricity delivered to customers by wire; (2) natural or  
23 artificial gas that is delivered to customers through pipes,  
24 pipelines, or mains; and (3) water that is delivered to  
25 customers through pipes, pipelines, or mains are not subject to

1 tax under this Act. The provisions of this amendatory Act of  
2 the 98th General Assembly are declaratory of existing law as to  
3 the meaning and scope of this Act.

4 ~~(b) Beginning on January 1, 2021, a remote retailer is~~  
5 ~~engaged in the occupation of selling at retail in Illinois for~~  
6 ~~purposes of this Act, if:~~

7 ~~(1) the cumulative gross receipts from sales of~~  
8 ~~tangible personal property to purchasers in Illinois are~~  
9 ~~\$100,000 or more; or~~

10 ~~(2) the retailer enters into 200 or more separate~~  
11 ~~transactions for the sale of tangible personal property to~~  
12 ~~purchasers in Illinois.~~

13 ~~Remote retailers that meet or exceed the threshold in~~  
14 ~~either paragraph (1) or (2) above shall be liable for all~~  
15 ~~applicable State retailers' and locally imposed retailers'~~  
16 ~~occupation taxes administered by the Department on all retail~~  
17 ~~sales to Illinois purchasers.~~

18 ~~The remote retailer shall determine on a quarterly basis,~~  
19 ~~ending on the last day of March, June, September, and December,~~  
20 ~~whether he or she meets the criteria of either paragraph (1) or~~  
21 ~~(2) of this subsection for the preceding 12 month period. If~~  
22 ~~the retailer meets the criteria of either paragraph (1) or (2)~~  
23 ~~for a 12-month period, he or she is considered a retailer~~  
24 ~~maintaining a place of business in this State and is required~~  
25 ~~to collect and remit the tax imposed under this Act and all~~  
26 ~~retailers' occupation tax imposed by local taxing~~

1 ~~jurisdictions in Illinois, provided such local taxes are~~  
2 ~~administered by the Department, and to file all applicable~~  
3 ~~returns for one year. At the end of that one year period, the~~  
4 ~~retailer shall determine whether the retailer met the criteria~~  
5 ~~of either paragraph (1) or (2) for the preceding 12 month~~  
6 ~~period. If the retailer met the criteria in either paragraph~~  
7 ~~(1) or (2) for the preceding 12 month period, he or she is~~  
8 ~~considered a retailer maintaining a place of business in this~~  
9 ~~State and is required to collect and remit all applicable State~~  
10 ~~and local retailers' occupation taxes and file returns for the~~  
11 ~~subsequent year. If, at the end of a one year period, a~~  
12 ~~retailer that was required to collect and remit the tax imposed~~  
13 ~~under this Act determines that he or she did not meet the~~  
14 ~~criteria in either paragraph (1) or (2) during the preceding~~  
15 ~~12-month period, then the retailer shall subsequently~~  
16 ~~determine on a quarterly basis, ending on the last day of~~  
17 ~~March, June, September, and December, whether he or she meets~~  
18 ~~the criteria of either paragraph (1) or (2) for the preceding~~  
19 ~~12 month period.~~

20 ~~(b-5) For the purposes of this Section, neither the gross~~  
21 ~~receipts from nor the number of separate transactions for sales~~  
22 ~~of tangible personal property to purchasers in Illinois that a~~  
23 ~~remote retailer makes through a marketplace facilitator shall~~  
24 ~~be included for the purposes of determining whether he or she~~  
25 ~~has met the thresholds of subsection (b) of this Section so~~  
26 ~~long as the remote retailer has received certification from the~~

1 ~~marketplace facilitator that the marketplace facilitator is~~  
2 ~~legally responsible for payment of tax on such sales.~~

3 ~~(b-10) A remote retailer required to collect taxes imposed~~  
4 ~~under the Use Tax Act on retail sales made to Illinois~~  
5 ~~purchasers shall be liable to the Department for such taxes,~~  
6 ~~except when the remote retailer is relieved of the duty to~~  
7 ~~remit such taxes by virtue of having paid to the Department~~  
8 ~~taxes imposed by this Act in accordance with this Section upon~~  
9 ~~his or her gross receipts from such sales.~~

10 (c) Marketplace facilitators engaged in the business of  
11 selling at retail tangible personal property in Illinois.  
12 Beginning January 1, 2021, a marketplace facilitator is engaged  
13 in the occupation of selling at retail tangible personal  
14 property in Illinois for purposes of this Act if, during the  
15 previous 12-month period:

16 (1) the cumulative gross receipts from sales of  
17 tangible personal property on its own behalf or on behalf  
18 of marketplace sellers to purchasers in Illinois equals  
19 \$100,000 or more; or

20 (2) the marketplace facilitator enters into 200 or more  
21 separate transactions on its own behalf or on behalf of  
22 marketplace sellers for the sale of tangible personal  
23 property to purchasers in Illinois, regardless of whether  
24 the marketplace facilitator or marketplace sellers for  
25 whom such sales are facilitated are registered as retailers  
26 in this State.

1           A marketplace facilitator who meets either paragraph (1) or  
2           (2) of this subsection is required to remit the applicable  
3           State retailers' occupation taxes under this Act and local  
4           retailers' occupation taxes administered by the Department on  
5           all taxable sales of tangible personal property made by the  
6           marketplace facilitator or facilitated for marketplace sellers  
7           to customers in this State. A marketplace facilitator selling  
8           or facilitating the sale of tangible personal property to  
9           customers in this State is subject to all applicable procedures  
10          and requirements of this Act.

11          The marketplace facilitator shall determine on a quarterly  
12          basis, ending on the last day of March, June, September, and  
13          December, whether he or she meets the criteria of either  
14          paragraph (1) or (2) of this subsection for the preceding  
15          12-month period. If the marketplace facilitator meets the  
16          criteria of either paragraph (1) or (2) for a 12-month period,  
17          he or she is considered a retailer maintaining a place of  
18          business in this State and is required to remit the tax imposed  
19          under this Act and all retailers' occupation tax imposed by  
20          local taxing jurisdictions in Illinois, provided such local  
21          taxes are administered by the Department, and to file all  
22          applicable returns for one year. At the end of that one-year  
23          period, the marketplace facilitator shall determine whether it  
24          met the criteria of either paragraph (1) or (2) for the  
25          preceding 12-month period. If the marketplace facilitator met  
26          the criteria in either paragraph (1) or (2) for the preceding

1 12-month period, it is considered a retailer maintaining a  
2 place of business in this State and is required to collect and  
3 remit all applicable State and local retailers' occupation  
4 taxes and file returns for the subsequent year. If at the end  
5 of a one-year period a marketplace facilitator that was  
6 required to collect and remit the tax imposed under this Act  
7 determines that he or she did not meet the criteria in either  
8 paragraph (1) or (2) during the preceding 12-month period, the  
9 marketplace facilitator shall subsequently determine on a  
10 quarterly basis, ending on the last day of March, June,  
11 September, and December, whether he or she meets the criteria  
12 of either paragraph (1) or (2) for the preceding 12-month  
13 period.

14 A marketplace facilitator shall be entitled to any credits,  
15 deductions, or adjustments to the sales price otherwise  
16 provided to the marketplace seller, in addition to any such  
17 adjustments provided directly to the marketplace facilitator.  
18 This Section pertains to, but is not limited to, adjustments  
19 such as discounts, coupons, and rebates. In addition, a  
20 marketplace facilitator shall be entitled to the retailers'  
21 discount provided in Section 3 of the Retailers' Occupation Tax  
22 Act on all marketplace sales, and the marketplace seller shall  
23 not include sales made through a marketplace facilitator when  
24 computing any retailers' discount on remaining sales.  
25 Marketplace facilitators shall report and remit the applicable  
26 State and local retailers' occupation taxes on sales

1 facilitated for marketplace sellers separately from any sales  
2 or use tax collected on taxable retail sales made directly by  
3 the marketplace facilitator or its affiliates.

4 The marketplace facilitator is liable for the remittance of  
5 all applicable State retailers' occupation taxes under this Act  
6 and local retailers' occupation taxes administered by the  
7 Department on sales through the marketplace and is subject to  
8 audit on all such sales. The Department shall not audit  
9 marketplace sellers for their marketplace sales where a  
10 marketplace facilitator remitted the applicable State and  
11 local retailers' occupation taxes unless the marketplace  
12 facilitator seeks relief as a result of incorrect information  
13 provided to the marketplace facilitator by a marketplace seller  
14 as set forth in this Section. The marketplace facilitator shall  
15 not be held liable for tax on any sales made by a marketplace  
16 seller that take place outside of the marketplace and which are  
17 not a part of any agreement between a marketplace facilitator  
18 and a marketplace seller. In addition, marketplace  
19 facilitators shall not be held liable to State and local  
20 governments of Illinois for having charged and remitted an  
21 incorrect amount of State and local retailers' occupation tax  
22 if, at the time of the sale, the tax is computed based on  
23 erroneous data provided by the State in database files on tax  
24 rates, boundaries, or taxing jurisdictions or incorrect  
25 information provided to the marketplace facilitator by the  
26 marketplace seller.



1 (d) A marketplace facilitator shall:

2 (1) certify to each marketplace seller that the  
3 marketplace facilitator assumes the rights and duties of a  
4 retailer under this Act with respect to sales made by the  
5 marketplace seller through the marketplace; and

6 (2) remit taxes imposed by this Act as required by this  
7 Act for sales made through the marketplace.

8 (e) A marketplace seller shall retain books and records for  
9 all sales made through a marketplace in accordance with the  
10 requirements of this Act.

11 (f) A marketplace facilitator is subject to audit on all  
12 marketplace sales for which it is considered to be the  
13 retailer, but shall not be liable for tax or subject to audit  
14 on sales made by marketplace sellers outside of the  
15 marketplace.

16 (g) A marketplace facilitator required to collect taxes  
17 imposed under the Use Tax Act on marketplace sales made to  
18 Illinois purchasers shall be liable to the Department for such  
19 taxes, except when the marketplace facilitator is relieved of  
20 the duty to remit such taxes by virtue of having paid to the  
21 Department taxes imposed by this Act in accordance with this  
22 Section upon his or her gross receipts from such sales.

23 (h) Nothing in this Section shall allow the Department to  
24 collect retailers' occupation taxes from both the marketplace  
25 facilitator and marketplace seller on the same transaction.

26 (i) If, for any reason, the Department is prohibited from

1 enforcing the marketplace facilitator's duty under this Act to  
2 remit taxes pursuant to this Section, the duty to remit such  
3 taxes remains with the marketplace seller.

4 (j) Nothing in this Section affects the obligation of any  
5 consumer to remit use tax for any taxable transaction for which  
6 a certified service provider acting on behalf of a remote  
7 retailer or a marketplace facilitator does not collect and  
8 remit the appropriate tax.

9 (k) Nothing in this Section shall allow the Department to  
10 collect the retailers' occupation tax from both the marketplace  
11 facilitator and the marketplace seller.

12 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 1-1-20.)

13 (35 ILCS 120/2-5)

14 Sec. 2-5. Exemptions. Gross receipts from proceeds from the  
15 sale of the following tangible personal property are exempt  
16 from the tax imposed by this Act:

17 (1) Farm chemicals.

18 (2) Farm machinery and equipment, both new and used,  
19 including that manufactured on special order, certified by  
20 the purchaser to be used primarily for production  
21 agriculture or State or federal agricultural programs,  
22 including individual replacement parts for the machinery  
23 and equipment, including machinery and equipment purchased  
24 for lease, and including implements of husbandry defined in  
25 Section 1-130 of the Illinois Vehicle Code, farm machinery

1 and agricultural chemical and fertilizer spreaders, and  
2 nurse wagons required to be registered under Section 3-809  
3 of the Illinois Vehicle Code, but excluding other motor  
4 vehicles required to be registered under the Illinois  
5 Vehicle Code. Horticultural polyhouses or hoop houses used  
6 for propagating, growing, or overwintering plants shall be  
7 considered farm machinery and equipment under this item  
8 (2). Agricultural chemical tender tanks and dry boxes shall  
9 include units sold separately from a motor vehicle required  
10 to be licensed and units sold mounted on a motor vehicle  
11 required to be licensed, if the selling price of the tender  
12 is separately stated.

13 Farm machinery and equipment shall include precision  
14 farming equipment that is installed or purchased to be  
15 installed on farm machinery and equipment including, but  
16 not limited to, tractors, harvesters, sprayers, planters,  
17 seeders, or spreaders. Precision farming equipment  
18 includes, but is not limited to, soil testing sensors,  
19 computers, monitors, software, global positioning and  
20 mapping systems, and other such equipment.

21 Farm machinery and equipment also includes computers,  
22 sensors, software, and related equipment used primarily in  
23 the computer-assisted operation of production agriculture  
24 facilities, equipment, and activities such as, but not  
25 limited to, the collection, monitoring, and correlation of  
26 animal and crop data for the purpose of formulating animal

1 diets and agricultural chemicals. This item (2) is exempt  
2 from the provisions of Section 2-70.

3 (3) Until July 1, 2003, distillation machinery and  
4 equipment, sold as a unit or kit, assembled or installed by  
5 the retailer, certified by the user to be used only for the  
6 production of ethyl alcohol that will be used for  
7 consumption as motor fuel or as a component of motor fuel  
8 for the personal use of the user, and not subject to sale  
9 or resale.

10 (4) Until July 1, 2003 and beginning again September 1,  
11 2004 through August 30, 2014, graphic arts machinery and  
12 equipment, including repair and replacement parts, both  
13 new and used, and including that manufactured on special  
14 order or purchased for lease, certified by the purchaser to  
15 be used primarily for graphic arts production. Equipment  
16 includes chemicals or chemicals acting as catalysts but  
17 only if the chemicals or chemicals acting as catalysts  
18 effect a direct and immediate change upon a graphic arts  
19 product. Beginning on July 1, 2017, graphic arts machinery  
20 and equipment is included in the manufacturing and  
21 assembling machinery and equipment exemption under  
22 paragraph (14).

23 (5) A motor vehicle that is used for automobile  
24 renting, as defined in the Automobile Renting Occupation  
25 and Use Tax Act. This paragraph is exempt from the  
26 provisions of Section 2-70.

1           (6) Personal property sold by a teacher-sponsored  
2 student organization affiliated with an elementary or  
3 secondary school located in Illinois.

4           (7) Until July 1, 2003, proceeds of that portion of the  
5 selling price of a passenger car the sale of which is  
6 subject to the Replacement Vehicle Tax.

7           (8) Personal property sold to an Illinois county fair  
8 association for use in conducting, operating, or promoting  
9 the county fair.

10           (9) Personal property sold to a not-for-profit arts or  
11 cultural organization that establishes, by proof required  
12 by the Department by rule, that it has received an  
13 exemption under Section 501(c)(3) of the Internal Revenue  
14 Code and that is organized and operated primarily for the  
15 presentation or support of arts or cultural programming,  
16 activities, or services. These organizations include, but  
17 are not limited to, music and dramatic arts organizations  
18 such as symphony orchestras and theatrical groups, arts and  
19 cultural service organizations, local arts councils,  
20 visual arts organizations, and media arts organizations.  
21 On and after July 1, 2001 (the effective date of Public Act  
22 92-35), however, an entity otherwise eligible for this  
23 exemption shall not make tax-free purchases unless it has  
24 an active identification number issued by the Department.

25           (10) Personal property sold by a corporation, society,  
26 association, foundation, institution, or organization,

1 other than a limited liability company, that is organized  
2 and operated as a not-for-profit service enterprise for the  
3 benefit of persons 65 years of age or older if the personal  
4 property was not purchased by the enterprise for the  
5 purpose of resale by the enterprise.

6 (11) Personal property sold to a governmental body, to  
7 a corporation, society, association, foundation, or  
8 institution organized and operated exclusively for  
9 charitable, religious, or educational purposes, or to a  
10 not-for-profit corporation, society, association,  
11 foundation, institution, or organization that has no  
12 compensated officers or employees and that is organized and  
13 operated primarily for the recreation of persons 55 years  
14 of age or older. A limited liability company may qualify  
15 for the exemption under this paragraph only if the limited  
16 liability company is organized and operated exclusively  
17 for educational purposes. On and after July 1, 1987,  
18 however, no entity otherwise eligible for this exemption  
19 shall make tax-free purchases unless it has an active  
20 identification number issued by the Department.

21 (12) (Blank).

22 (12-5) On and after July 1, 2003 and through June 30,  
23 2004, motor vehicles of the second division with a gross  
24 vehicle weight in excess of 8,000 pounds that are subject  
25 to the commercial distribution fee imposed under Section  
26 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,

1           2004 and through June 30, 2005, the use in this State of  
2           motor vehicles of the second division: (i) with a gross  
3           vehicle weight rating in excess of 8,000 pounds; (ii) that  
4           are subject to the commercial distribution fee imposed  
5           under Section 3-815.1 of the Illinois Vehicle Code; and  
6           (iii) that are primarily used for commercial purposes.  
7           Through June 30, 2005, this exemption applies to repair and  
8           replacement parts added after the initial purchase of such  
9           a motor vehicle if that motor vehicle is used in a manner  
10          that would qualify for the rolling stock exemption  
11          otherwise provided for in this Act. For purposes of this  
12          paragraph, "used for commercial purposes" means the  
13          transportation of persons or property in furtherance of any  
14          commercial or industrial enterprise whether for-hire or  
15          not.

16                 (13) Proceeds from sales to owners, lessors, or  
17                 shippers of tangible personal property that is utilized by  
18                 interstate carriers for hire for use as rolling stock  
19                 moving in interstate commerce and equipment operated by a  
20                 telecommunications provider, licensed as a common carrier  
21                 by the Federal Communications Commission, which is  
22                 permanently installed in or affixed to aircraft moving in  
23                 interstate commerce.

24                 (14) Machinery and equipment that will be used by the  
25                 purchaser, or a lessee of the purchaser, primarily in the  
26                 process of manufacturing or assembling tangible personal

1 property for wholesale or retail sale or lease, whether the  
2 sale or lease is made directly by the manufacturer or by  
3 some other person, whether the materials used in the  
4 process are owned by the manufacturer or some other person,  
5 or whether the sale or lease is made apart from or as an  
6 incident to the seller's engaging in the service occupation  
7 of producing machines, tools, dies, jigs, patterns,  
8 gauges, or other similar items of no commercial value on  
9 special order for a particular purchaser. The exemption  
10 provided by this paragraph (14) does not include machinery  
11 and equipment used in (i) the generation of electricity for  
12 wholesale or retail sale; (ii) the generation or treatment  
13 of natural or artificial gas for wholesale or retail sale  
14 that is delivered to customers through pipes, pipelines, or  
15 mains; or (iii) the treatment of water for wholesale or  
16 retail sale that is delivered to customers through pipes,  
17 pipelines, or mains. The provisions of Public Act 98-583  
18 are declaratory of existing law as to the meaning and scope  
19 of this exemption. Beginning on July 1, 2017, the exemption  
20 provided by this paragraph (14) includes, but is not  
21 limited to, graphic arts machinery and equipment, as  
22 defined in paragraph (4) of this Section.

23 (15) Proceeds of mandatory service charges separately  
24 stated on customers' bills for purchase and consumption of  
25 food and beverages, to the extent that the proceeds of the  
26 service charge are in fact turned over as tips or as a



1 substitute for tips to the employees who participate  
2 directly in preparing, serving, hosting or cleaning up the  
3 food or beverage function with respect to which the service  
4 charge is imposed.

5 (16) Tangible personal property sold to a purchaser if  
6 the purchaser is exempt from use tax by operation of  
7 federal law. This paragraph is exempt from the provisions  
8 of Section 2-70.

9 (17) Tangible personal property sold to a common  
10 carrier by rail or motor that receives the physical  
11 possession of the property in Illinois and that transports  
12 the property, or shares with another common carrier in the  
13 transportation of the property, out of Illinois on a  
14 standard uniform bill of lading showing the seller of the  
15 property as the shipper or consignor of the property to a  
16 destination outside Illinois, for use outside Illinois.

17 (18) Legal tender, currency, medallions, or gold or  
18 silver coinage issued by the State of Illinois, the  
19 government of the United States of America, or the  
20 government of any foreign country, and bullion.

21 (19) Until July 1, 2003, oil field exploration,  
22 drilling, and production equipment, including (i) rigs and  
23 parts of rigs, rotary rigs, cable tool rigs, and workover  
24 rigs, (ii) pipe and tubular goods, including casing and  
25 drill strings, (iii) pumps and pump-jack units, (iv)  
26 storage tanks and flow lines, (v) any individual

1 replacement part for oil field exploration, drilling, and  
2 production equipment, and (vi) machinery and equipment  
3 purchased for lease; but excluding motor vehicles required  
4 to be registered under the Illinois Vehicle Code.

5 (20) Photoprocessing machinery and equipment,  
6 including repair and replacement parts, both new and used,  
7 including that manufactured on special order, certified by  
8 the purchaser to be used primarily for photoprocessing, and  
9 including photoprocessing machinery and equipment  
10 purchased for lease.

11 (21) Until July 1, 2023, coal and aggregate  
12 exploration, mining, off-highway hauling, processing,  
13 maintenance, and reclamation equipment, including  
14 replacement parts and equipment, and including equipment  
15 purchased for lease, but excluding motor vehicles required  
16 to be registered under the Illinois Vehicle Code. The  
17 changes made to this Section by Public Act 97-767 apply on  
18 and after July 1, 2003, but no claim for credit or refund  
19 is allowed on or after August 16, 2013 (the effective date  
20 of Public Act 98-456) for such taxes paid during the period  
21 beginning July 1, 2003 and ending on August 16, 2013 (the  
22 effective date of Public Act 98-456).

23 (22) Until June 30, 2013, fuel and petroleum products  
24 sold to or used by an air carrier, certified by the carrier  
25 to be used for consumption, shipment, or storage in the  
26 conduct of its business as an air common carrier, for a

1 flight destined for or returning from a location or  
2 locations outside the United States without regard to  
3 previous or subsequent domestic stopovers.

4 Beginning July 1, 2013, fuel and petroleum products  
5 sold to or used by an air carrier, certified by the carrier  
6 to be used for consumption, shipment, or storage in the  
7 conduct of its business as an air common carrier, for a  
8 flight that (i) is engaged in foreign trade or is engaged  
9 in trade between the United States and any of its  
10 possessions and (ii) transports at least one individual or  
11 package for hire from the city of origination to the city  
12 of final destination on the same aircraft, without regard  
13 to a change in the flight number of that aircraft.

14 (23) A transaction in which the purchase order is  
15 received by a florist who is located outside Illinois, but  
16 who has a florist located in Illinois deliver the property  
17 to the purchaser or the purchaser's donee in Illinois.

18 (24) Fuel consumed or used in the operation of ships,  
19 barges, or vessels that are used primarily in or for the  
20 transportation of property or the conveyance of persons for  
21 hire on rivers bordering on this State if the fuel is  
22 delivered by the seller to the purchaser's barge, ship, or  
23 vessel while it is afloat upon that bordering river.

24 (25) Except as provided in item (25-5) of this Section,  
25 a motor vehicle sold in this State to a nonresident even  
26 though the motor vehicle is delivered to the nonresident in

1       this State, if the motor vehicle is not to be titled in  
2       this State, and if a drive-away permit is issued to the  
3       motor vehicle as provided in Section 3-603 of the Illinois  
4       Vehicle Code or if the nonresident purchaser has vehicle  
5       registration plates to transfer to the motor vehicle upon  
6       returning to his or her home state. The issuance of the  
7       drive-away permit or having the out-of-state registration  
8       plates to be transferred is prima facie evidence that the  
9       motor vehicle will not be titled in this State.

10       (25-5) The exemption under item (25) does not apply if  
11       the state in which the motor vehicle will be titled does  
12       not allow a reciprocal exemption for a motor vehicle sold  
13       and delivered in that state to an Illinois resident but  
14       titled in Illinois. The tax collected under this Act on the  
15       sale of a motor vehicle in this State to a resident of  
16       another state that does not allow a reciprocal exemption  
17       shall be imposed at a rate equal to the state's rate of tax  
18       on taxable property in the state in which the purchaser is  
19       a resident, except that the tax shall not exceed the tax  
20       that would otherwise be imposed under this Act. At the time  
21       of the sale, the purchaser shall execute a statement,  
22       signed under penalty of perjury, of his or her intent to  
23       title the vehicle in the state in which the purchaser is a  
24       resident within 30 days after the sale and of the fact of  
25       the payment to the State of Illinois of tax in an amount  
26       equivalent to the state's rate of tax on taxable property

1 in his or her state of residence and shall submit the  
2 statement to the appropriate tax collection agency in his  
3 or her state of residence. In addition, the retailer must  
4 retain a signed copy of the statement in his or her  
5 records. Nothing in this item shall be construed to require  
6 the removal of the vehicle from this state following the  
7 filing of an intent to title the vehicle in the purchaser's  
8 state of residence if the purchaser titles the vehicle in  
9 his or her state of residence within 30 days after the date  
10 of sale. The tax collected under this Act in accordance  
11 with this item (25-5) shall be proportionately distributed  
12 as if the tax were collected at the 6.25% general rate  
13 imposed under this Act.

14 (25-7) Beginning on July 1, 2007, no tax is imposed  
15 under this Act on the sale of an aircraft, as defined in  
16 Section 3 of the Illinois Aeronautics Act, if all of the  
17 following conditions are met:

18 (1) the aircraft leaves this State within 15 days  
19 after the later of either the issuance of the final  
20 billing for the sale of the aircraft, or the authorized  
21 approval for return to service, completion of the  
22 maintenance record entry, and completion of the test  
23 flight and ground test for inspection, as required by  
24 14 C.F.R. 91.407;

25 (2) the aircraft is not based or registered in this  
26 State after the sale of the aircraft; and

1           (3) the seller retains in his or her books and  
2 records and provides to the Department a signed and  
3 dated certification from the purchaser, on a form  
4 prescribed by the Department, certifying that the  
5 requirements of this item (25-7) are met. The  
6 certificate must also include the name and address of  
7 the purchaser, the address of the location where the  
8 aircraft is to be titled or registered, the address of  
9 the primary physical location of the aircraft, and  
10 other information that the Department may reasonably  
11 require.

12           For purposes of this item (25-7):

13           "Based in this State" means hangared, stored, or  
14 otherwise used, excluding post-sale customizations as  
15 defined in this Section, for 10 or more days in each  
16 12-month period immediately following the date of the sale  
17 of the aircraft.

18           "Registered in this State" means an aircraft  
19 registered with the Department of Transportation,  
20 Aeronautics Division, or titled or registered with the  
21 Federal Aviation Administration to an address located in  
22 this State.

23           This paragraph (25-7) is exempt from the provisions of  
24 Section 2-70.

25           (26) Semen used for artificial insemination of  
26 livestock for direct agricultural production.

1           (27) Horses, or interests in horses, registered with  
2           and meeting the requirements of any of the Arabian Horse  
3           Club Registry of America, Appaloosa Horse Club, American  
4           Quarter Horse Association, United States Trotting  
5           Association, or Jockey Club, as appropriate, used for  
6           purposes of breeding or racing for prizes. This item (27)  
7           is exempt from the provisions of Section 2-70, and the  
8           exemption provided for under this item (27) applies for all  
9           periods beginning May 30, 1995, but no claim for credit or  
10          refund is allowed on or after January 1, 2008 (the  
11          effective date of Public Act 95-88) for such taxes paid  
12          during the period beginning May 30, 2000 and ending on  
13          January 1, 2008 (the effective date of Public Act 95-88).

14          (28) Computers and communications equipment utilized  
15          for any hospital purpose and equipment used in the  
16          diagnosis, analysis, or treatment of hospital patients  
17          sold to a lessor who leases the equipment, under a lease of  
18          one year or longer executed or in effect at the time of the  
19          purchase, to a hospital that has been issued an active tax  
20          exemption identification number by the Department under  
21          Section 1g of this Act.

22          (29) Personal property sold to a lessor who leases the  
23          property, under a lease of one year or longer executed or  
24          in effect at the time of the purchase, to a governmental  
25          body that has been issued an active tax exemption  
26          identification number by the Department under Section 1g of

1           this Act.

2           (30) Beginning with taxable years ending on or after  
3           December 31, 1995 and ending with taxable years ending on  
4           or before December 31, 2004, personal property that is  
5           donated for disaster relief to be used in a State or  
6           federally declared disaster area in Illinois or bordering  
7           Illinois by a manufacturer or retailer that is registered  
8           in this State to a corporation, society, association,  
9           foundation, or institution that has been issued a sales tax  
10          exemption identification number by the Department that  
11          assists victims of the disaster who reside within the  
12          declared disaster area.

13          (31) Beginning with taxable years ending on or after  
14          December 31, 1995 and ending with taxable years ending on  
15          or before December 31, 2004, personal property that is used  
16          in the performance of infrastructure repairs in this State,  
17          including but not limited to municipal roads and streets,  
18          access roads, bridges, sidewalks, waste disposal systems,  
19          water and sewer line extensions, water distribution and  
20          purification facilities, storm water drainage and  
21          retention facilities, and sewage treatment facilities,  
22          resulting from a State or federally declared disaster in  
23          Illinois or bordering Illinois when such repairs are  
24          initiated on facilities located in the declared disaster  
25          area within 6 months after the disaster.

26          (32) Beginning July 1, 1999, game or game birds sold at



1 a "game breeding and hunting preserve area" as that term is  
2 used in the Wildlife Code. This paragraph is exempt from  
3 the provisions of Section 2-70.

4 (33) A motor vehicle, as that term is defined in  
5 Section 1-146 of the Illinois Vehicle Code, that is donated  
6 to a corporation, limited liability company, society,  
7 association, foundation, or institution that is determined  
8 by the Department to be organized and operated exclusively  
9 for educational purposes. For purposes of this exemption,  
10 "a corporation, limited liability company, society,  
11 association, foundation, or institution organized and  
12 operated exclusively for educational purposes" means all  
13 tax-supported public schools, private schools that offer  
14 systematic instruction in useful branches of learning by  
15 methods common to public schools and that compare favorably  
16 in their scope and intensity with the course of study  
17 presented in tax-supported schools, and vocational or  
18 technical schools or institutes organized and operated  
19 exclusively to provide a course of study of not less than 6  
20 weeks duration and designed to prepare individuals to  
21 follow a trade or to pursue a manual, technical,  
22 mechanical, industrial, business, or commercial  
23 occupation.

24 (34) Beginning January 1, 2000, personal property,  
25 including food, purchased through fundraising events for  
26 the benefit of a public or private elementary or secondary

1 school, a group of those schools, or one or more school  
2 districts if the events are sponsored by an entity  
3 recognized by the school district that consists primarily  
4 of volunteers and includes parents and teachers of the  
5 school children. This paragraph does not apply to  
6 fundraising events (i) for the benefit of private home  
7 instruction or (ii) for which the fundraising entity  
8 purchases the personal property sold at the events from  
9 another individual or entity that sold the property for the  
10 purpose of resale by the fundraising entity and that  
11 profits from the sale to the fundraising entity. This  
12 paragraph is exempt from the provisions of Section 2-70.

13 (35) Beginning January 1, 2000 and through December 31,  
14 2001, new or used automatic vending machines that prepare  
15 and serve hot food and beverages, including coffee, soup,  
16 and other items, and replacement parts for these machines.  
17 Beginning January 1, 2002 and through June 30, 2003,  
18 machines and parts for machines used in commercial,  
19 coin-operated amusement and vending business if a use or  
20 occupation tax is paid on the gross receipts derived from  
21 the use of the commercial, coin-operated amusement and  
22 vending machines. This paragraph is exempt from the  
23 provisions of Section 2-70.

24 (35-5) Beginning August 23, 2001 and through June 30,  
25 2016, food for human consumption that is to be consumed off  
26 the premises where it is sold (other than alcoholic

1 beverages, soft drinks, and food that has been prepared for  
2 immediate consumption) and prescription and  
3 nonprescription medicines, drugs, medical appliances, and  
4 insulin, urine testing materials, syringes, and needles  
5 used by diabetics, for human use, when purchased for use by  
6 a person receiving medical assistance under Article V of  
7 the Illinois Public Aid Code who resides in a licensed  
8 long-term care facility, as defined in the Nursing Home  
9 Care Act, or a licensed facility as defined in the ID/DD  
10 Community Care Act, the MC/DD Act, or the Specialized  
11 Mental Health Rehabilitation Act of 2013.

12 (36) Beginning August 2, 2001, computers and  
13 communications equipment utilized for any hospital purpose  
14 and equipment used in the diagnosis, analysis, or treatment  
15 of hospital patients sold to a lessor who leases the  
16 equipment, under a lease of one year or longer executed or  
17 in effect at the time of the purchase, to a hospital that  
18 has been issued an active tax exemption identification  
19 number by the Department under Section 1g of this Act. This  
20 paragraph is exempt from the provisions of Section 2-70.

21 (37) Beginning August 2, 2001, personal property sold  
22 to a lessor who leases the property, under a lease of one  
23 year or longer executed or in effect at the time of the  
24 purchase, to a governmental body that has been issued an  
25 active tax exemption identification number by the  
26 Department under Section 1g of this Act. This paragraph is

1 exempt from the provisions of Section 2-70.

2 (38) Beginning on January 1, 2002 and through June 30,  
3 2016, tangible personal property purchased from an  
4 Illinois retailer by a taxpayer engaged in centralized  
5 purchasing activities in Illinois who will, upon receipt of  
6 the property in Illinois, temporarily store the property in  
7 Illinois (i) for the purpose of subsequently transporting  
8 it outside this State for use or consumption thereafter  
9 solely outside this State or (ii) for the purpose of being  
10 processed, fabricated, or manufactured into, attached to,  
11 or incorporated into other tangible personal property to be  
12 transported outside this State and thereafter used or  
13 consumed solely outside this State. The Director of Revenue  
14 shall, pursuant to rules adopted in accordance with the  
15 Illinois Administrative Procedure Act, issue a permit to  
16 any taxpayer in good standing with the Department who is  
17 eligible for the exemption under this paragraph (38). The  
18 permit issued under this paragraph (38) shall authorize the  
19 holder, to the extent and in the manner specified in the  
20 rules adopted under this Act, to purchase tangible personal  
21 property from a retailer exempt from the taxes imposed by  
22 this Act. Taxpayers shall maintain all necessary books and  
23 records to substantiate the use and consumption of all such  
24 tangible personal property outside of the State of  
25 Illinois.

26 (39) Beginning January 1, 2008, tangible personal

1 property used in the construction or maintenance of a  
2 community water supply, as defined under Section 3.145 of  
3 the Environmental Protection Act, that is operated by a  
4 not-for-profit corporation that holds a valid water supply  
5 permit issued under Title IV of the Environmental  
6 Protection Act. This paragraph is exempt from the  
7 provisions of Section 2-70.

8 (40) Beginning January 1, 2010 and continuing through  
9 December 31, 2024, materials, parts, equipment,  
10 components, and furnishings incorporated into or upon an  
11 aircraft as part of the modification, refurbishment,  
12 completion, replacement, repair, or maintenance of the  
13 aircraft. This exemption includes consumable supplies used  
14 in the modification, refurbishment, completion,  
15 replacement, repair, and maintenance of aircraft, but  
16 excludes any materials, parts, equipment, components, and  
17 consumable supplies used in the modification, replacement,  
18 repair, and maintenance of aircraft engines or power  
19 plants, whether such engines or power plants are installed  
20 or uninstalled upon any such aircraft. "Consumable  
21 supplies" include, but are not limited to, adhesive, tape,  
22 sandpaper, general purpose lubricants, cleaning solution,  
23 latex gloves, and protective films. This exemption applies  
24 only to the sale of qualifying tangible personal property  
25 to persons who modify, refurbish, complete, replace, or  
26 maintain an aircraft and who (i) hold an Air Agency

1 Certificate and are empowered to operate an approved repair  
2 station by the Federal Aviation Administration, (ii) have a  
3 Class IV Rating, and (iii) conduct operations in accordance  
4 with Part 145 of the Federal Aviation Regulations. The  
5 exemption does not include aircraft operated by a  
6 commercial air carrier providing scheduled passenger air  
7 service pursuant to authority issued under Part 121 or Part  
8 129 of the Federal Aviation Regulations. The changes made  
9 to this paragraph (40) by Public Act 98-534 are declarative  
10 of existing law. It is the intent of the General Assembly  
11 that the exemption under this paragraph (40) applies  
12 continuously from January 1, 2010 through December 31,  
13 2024; however, no claim for credit or refund is allowed for  
14 taxes paid as a result of the disallowance of this  
15 exemption on or after January 1, 2015 and prior to the  
16 effective date of this amendatory Act of the 101st General  
17 Assembly.

18 (41) Tangible personal property sold to a  
19 public-facilities corporation, as described in Section  
20 11-65-10 of the Illinois Municipal Code, for purposes of  
21 constructing or furnishing a municipal convention hall,  
22 but only if the legal title to the municipal convention  
23 hall is transferred to the municipality without any further  
24 consideration by or on behalf of the municipality at the  
25 time of the completion of the municipal convention hall or  
26 upon the retirement or redemption of any bonds or other

1 debt instruments issued by the public-facilities  
2 corporation in connection with the development of the  
3 municipal convention hall. This exemption includes  
4 existing public-facilities corporations as provided in  
5 Section 11-65-25 of the Illinois Municipal Code. This  
6 paragraph is exempt from the provisions of Section 2-70.

7 (42) Beginning January 1, 2017, menstrual pads,  
8 tampons, and menstrual cups.

9 (43) Merchandise that is subject to the Rental Purchase  
10 Agreement Occupation and Use Tax. The purchaser must  
11 certify that the item is purchased to be rented subject to  
12 a rental purchase agreement, as defined in the Rental  
13 Purchase Agreement Act, and provide proof of registration  
14 under the Rental Purchase Agreement Occupation and Use Tax  
15 Act. This paragraph is exempt from the provisions of  
16 Section 2-70.

17 ~~(44) Qualified tangible personal property used in the~~  
18 ~~construction or operation of a data center that has been~~  
19 ~~granted a certificate of exemption by the Department of~~  
20 ~~Commerce and Economic Opportunity, whether that tangible~~  
21 ~~personal property is purchased by the owner, operator, or~~  
22 ~~tenant of the data center or by a contractor or~~  
23 ~~subcontractor of the owner, operator, or tenant. Data~~  
24 ~~centers that would have qualified for a certificate of~~  
25 ~~exemption prior to January 1, 2020 had this amendatory Act~~  
26 ~~of the 101st General Assembly been in effect, may apply for~~

1 ~~and obtain an exemption for subsequent purchases of~~  
2 ~~computer equipment or enabling software purchased or~~  
3 ~~leased to upgrade, supplement, or replace computer~~  
4 ~~equipment or enabling software purchased or leased in the~~  
5 ~~original investment that would have qualified.~~

6 ~~The Department of Commerce and Economic Opportunity~~  
7 ~~shall grant a certificate of exemption under this item (44)~~  
8 ~~to qualified data centers as defined by Section 605-1025 of~~  
9 ~~the Department of Commerce and Economic Opportunity Law of~~  
10 ~~the Civil Administrative Code of Illinois.~~

11 ~~For the purposes of this item (44):~~

12 ~~"Data center" means a building or a series of~~  
13 ~~buildings rehabilitated or constructed to house~~  
14 ~~working servers in one physical location or multiple~~  
15 ~~sites within the State of Illinois.~~

16 ~~"Qualified tangible personal property" means:~~  
17 ~~electrical systems and equipment; climate control and~~  
18 ~~chilling equipment and systems; mechanical systems and~~  
19 ~~equipment; monitoring and secure systems; emergency~~  
20 ~~generators; hardware; computers; servers; data storage~~  
21 ~~devices; network connectivity equipment; racks;~~  
22 ~~cabinets; telecommunications cabling infrastructure;~~  
23 ~~raised floor systems; peripheral components or~~  
24 ~~systems; software; mechanical, electrical, or plumbing~~  
25 ~~systems; battery systems; cooling systems and towers;~~  
26 ~~temperature control systems; other cabling; and other~~



~~data center infrastructure equipment and systems necessary to operate qualified tangible personal property, including fixtures; and component parts of any of the foregoing, including installation, maintenance, repair, refurbishment, and replacement of qualified tangible personal property to generate, transform, transmit, distribute, or manage electricity necessary to operate qualified tangible personal property; and all other tangible personal property that is essential to the operations of a computer data center. The term "qualified tangible personal property" also includes building materials physically incorporated in to the qualifying data center. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the certificate of eligibility issued by the Department of Commerce and Economic Opportunity.~~

~~This item (44) is exempt from the provisions of Section~~

~~2-70.~~

(Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17; 100-437, eff. 1-1-18; 100-594, eff. 6-29-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-629, eff. 2-5-20.)

(35 ILCS 120/2-12)

Sec. 2-12. Location where retailer is deemed to be engaged

1 in the business of selling. The purpose of this Section is to  
2 specify where a retailer is deemed to be engaged in the  
3 business of selling tangible personal property for the purposes  
4 of this Act, the Use Tax Act, the Service Use Tax Act, and the  
5 Service Occupation Tax Act, and for the purpose of collecting  
6 any other local retailers' occupation tax administered by the  
7 Department. This Section applies only with respect to the  
8 particular selling activities described in the following  
9 paragraphs. The provisions of this Section are not intended to,  
10 and shall not be interpreted to, affect where a retailer is  
11 deemed to be engaged in the business of selling with respect to  
12 any activity that is not specifically described in the  
13 following paragraphs.

14 (1) If a purchaser who is present at the retailer's  
15 place of business, having no prior commitment to the  
16 retailer, agrees to purchase and makes payment for tangible  
17 personal property at the retailer's place of business, then  
18 the transaction shall be deemed an over-the-counter sale  
19 occurring at the retailer's same place of business where  
20 the purchaser was present and made payment for that  
21 tangible personal property if the retailer regularly  
22 stocks the purchased tangible personal property or similar  
23 tangible personal property in the quantity, or similar  
24 quantity, for sale at the retailer's same place of business  
25 and then either (i) the purchaser takes possession of the  
26 tangible personal property at the same place of business or

1 (ii) the retailer delivers or arranges for the tangible  
2 personal property to be delivered to the purchaser.

3 (2) If a purchaser, having no prior commitment to the  
4 retailer, agrees to purchase tangible personal property  
5 and makes payment over the phone, in writing, or via the  
6 Internet and takes possession of the tangible personal  
7 property at the retailer's place of business, then the sale  
8 shall be deemed to have occurred at the retailer's place of  
9 business where the purchaser takes possession of the  
10 property if the retailer regularly stocks the item or  
11 similar items in the quantity, or similar quantities,  
12 purchased by the purchaser.

13 (3) A retailer is deemed to be engaged in the business  
14 of selling food, beverages, or other tangible personal  
15 property through a vending machine at the location where  
16 the vending machine is located at the time the sale is made  
17 if (i) the vending machine is a device operated by coin,  
18 currency, credit card, token, coupon or similar device; (2)  
19 the food, beverage or other tangible personal property is  
20 contained within the vending machine and dispensed from the  
21 vending machine; and (3) the purchaser takes possession of  
22 the purchased food, beverage or other tangible personal  
23 property immediately.

24 (4) Minerals. A producer of coal or other mineral mined  
25 in Illinois is deemed to be engaged in the business of  
26 selling at the place where the coal or other mineral mined

1 in Illinois is extracted from the earth. With respect to  
2 minerals (i) the term "extracted from the earth" means the  
3 location at which the coal or other mineral is extracted  
4 from the mouth of the mine, and (ii) a "mineral" includes  
5 not only coal, but also oil, sand, stone taken from a  
6 quarry, gravel and any other thing commonly regarded as a  
7 mineral and extracted from the earth. This paragraph does  
8 not apply to coal or another mineral when it is delivered  
9 or shipped by the seller to the purchaser at a point  
10 outside Illinois so that the sale is exempt under the  
11 United States Constitution as a sale in interstate or  
12 foreign commerce.

13 (5) A retailer selling tangible personal property to a  
14 nominal lessee or bailee pursuant to a lease with a dollar  
15 or other nominal option to purchase is engaged in the  
16 business of selling at the location where the property is  
17 first delivered to the lessee or bailee for its intended  
18 use.

19 (6) (Blank). ~~Beginning on January 1, 2021, a remote~~  
20 ~~retailer making retail sales of tangible personal property~~  
21 ~~that meet or exceed the thresholds established in paragraph~~  
22 ~~(1) or (2) of subsection (b) of Section 2 of this Act is~~  
23 ~~engaged in the business of selling at the Illinois location~~  
24 ~~to which the tangible personal property is shipped or~~  
25 ~~delivered or at which possession is taken by the purchaser.~~

26 (7) Beginning January 1, 2021, a marketplace

1 facilitator facilitating sales of tangible personal  
2 property that meet or exceed one of the thresholds  
3 established in paragraph (1) or (2) of subsection (c) of  
4 Section 2 of this Act is deemed to be engaged in the  
5 business of selling at the Illinois location to which the  
6 tangible personal property is shipped or delivered or at  
7 which possession is taken by the purchaser when the sale is  
8 made by a marketplace seller on the marketplace  
9 facilitator's marketplace.

10 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 1-1-20.)

11 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

12 Sec. 2a. It is unlawful for any person to engage in the  
13 business of selling tangible personal property at retail in  
14 this State without a certificate of registration from the  
15 Department. Application for a certificate of registration  
16 shall be made to the Department upon forms furnished by it.  
17 Each such application shall be signed and verified and shall  
18 state: (1) the name and social security number of the  
19 applicant; (2) the address of his principal place of business;  
20 (3) the address of the principal place of business from which  
21 he engages in the business of selling tangible personal  
22 property at retail in this State and the addresses of all other  
23 places of business, if any (enumerating such addresses, if any,  
24 in a separate list attached to and made a part of the  
25 application), from which he engages in the business of selling

1 tangible personal property at retail in this State; (4) the  
2 name and address of the person or persons who will be  
3 responsible for filing returns and payment of taxes due under  
4 this Act; (5) in the case of a publicly traded corporation, the  
5 name and title of the Chief Financial Officer, Chief Operating  
6 Officer, and any other officer or employee with responsibility  
7 for preparing tax returns under this Act, and, in the case of  
8 all other corporations, the name, title, and social security  
9 number of each corporate officer; (6) in the case of a limited  
10 liability company, the name, social security number, and FEIN  
11 number of each manager and member; and (7) such other  
12 information as the Department may reasonably require. The  
13 application shall contain an acceptance of responsibility  
14 signed by the person or persons who will be responsible for  
15 filing returns and payment of the taxes due under this Act. If  
16 the applicant will sell tangible personal property at retail  
17 through vending machines, his application to register shall  
18 indicate the number of vending machines to be so operated. If  
19 requested by the Department at any time, that person shall  
20 verify the total number of vending machines he or she uses in  
21 his or her business of selling tangible personal property at  
22 retail.

23 ~~The Department shall provide by rule for an expedited~~  
24 ~~business registration process for remote retailers required to~~  
25 ~~register and file under subsection (b) of Section 2 who use a~~  
26 ~~certified service provider to file their returns under this~~

1 ~~Act. Such expedited registration process shall allow the~~  
2 ~~Department to register a taxpayer based upon the same~~  
3 ~~registration information required by the Streamlined Sales Tax~~  
4 ~~Governing Board for states participating in the Streamlined~~  
5 ~~Sales Tax Project.~~

6 The Department may deny a certificate of registration to  
7 any applicant if a person who is named as the owner, a partner,  
8 a manager or member of a limited liability company, or a  
9 corporate officer of the applicant on the application for the  
10 certificate of registration is or has been named as the owner,  
11 a partner, a manager or member of a limited liability company,  
12 or a corporate officer on the application for the certificate  
13 of registration of another retailer that is in default for  
14 moneys due under this Act or any other tax or fee Act  
15 administered by the Department. For purposes of this paragraph  
16 only, in determining whether a person is in default for moneys  
17 due, the Department shall include only amounts established as a  
18 final liability within the 20 years prior to the date of the  
19 Department's notice of denial of a certificate of registration.

20 The Department may require an applicant for a certificate  
21 of registration hereunder to, at the time of filing such  
22 application, furnish a bond from a surety company authorized to  
23 do business in the State of Illinois, or an irrevocable bank  
24 letter of credit or a bond signed by 2 personal sureties who  
25 have filed, with the Department, sworn statements disclosing  
26 net assets equal to at least 3 times the amount of the bond to

1 be required of such applicant, or a bond secured by an  
2 assignment of a bank account or certificate of deposit, stocks  
3 or bonds, conditioned upon the applicant paying to the State of  
4 Illinois all moneys becoming due under this Act and under any  
5 other State tax law or municipal or county tax ordinance or  
6 resolution under which the certificate of registration that is  
7 issued to the applicant under this Act will permit the  
8 applicant to engage in business without registering separately  
9 under such other law, ordinance or resolution. In making a  
10 determination as to whether to require a bond or other  
11 security, the Department shall take into consideration whether  
12 the owner, any partner, any manager or member of a limited  
13 liability company, or a corporate officer of the applicant is  
14 or has been the owner, a partner, a manager or member of a  
15 limited liability company, or a corporate officer of another  
16 retailer that is in default for moneys due under this Act or  
17 any other tax or fee Act administered by the Department; and  
18 whether the owner, any partner, any manager or member of a  
19 limited liability company, or a corporate officer of the  
20 applicant is or has been the owner, a partner, a manager or  
21 member of a limited liability company, or a corporate officer  
22 of another retailer whose certificate of registration has been  
23 revoked within the previous 5 years under this Act or any other  
24 tax or fee Act administered by the Department. If a bond or  
25 other security is required, the Department shall fix the amount  
26 of the bond or other security, taking into consideration the



1 amount of money expected to become due from the applicant under  
2 this Act and under any other State tax law or municipal or  
3 county tax ordinance or resolution under which the certificate  
4 of registration that is issued to the applicant under this Act  
5 will permit the applicant to engage in business without  
6 registering separately under such other law, ordinance, or  
7 resolution. The amount of security required by the Department  
8 shall be such as, in its opinion, will protect the State of  
9 Illinois against failure to pay the amount which may become due  
10 from the applicant under this Act and under any other State tax  
11 law or municipal or county tax ordinance or resolution under  
12 which the certificate of registration that is issued to the  
13 applicant under this Act will permit the applicant to engage in  
14 business without registering separately under such other law,  
15 ordinance or resolution, but the amount of the security  
16 required by the Department shall not exceed three times the  
17 amount of the applicant's average monthly tax liability, or  
18 \$50,000.00, whichever amount is lower.

19 No certificate of registration under this Act shall be  
20 issued by the Department until the applicant provides the  
21 Department with satisfactory security, if required, as herein  
22 provided for.

23 Upon receipt of the application for certificate of  
24 registration in proper form, and upon approval by the  
25 Department of the security furnished by the applicant, if  
26 required, the Department shall issue to such applicant a

1 certificate of registration which shall permit the person to  
2 whom it is issued to engage in the business of selling tangible  
3 personal property at retail in this State. The certificate of  
4 registration shall be conspicuously displayed at the place of  
5 business which the person so registered states in his  
6 application to be the principal place of business from which he  
7 engages in the business of selling tangible personal property  
8 at retail in this State.

9 No certificate of registration issued prior to July 1, 2017  
10 to a taxpayer who files returns required by this Act on a  
11 monthly basis or renewed prior to July 1, 2017 by a taxpayer  
12 who files returns required by this Act on a monthly basis shall  
13 be valid after the expiration of 5 years from the date of its  
14 issuance or last renewal. No certificate of registration issued  
15 on or after July 1, 2017 to a taxpayer who files returns  
16 required by this Act on a monthly basis or renewed on or after  
17 July 1, 2017 by a taxpayer who files returns required by this  
18 Act on a monthly basis shall be valid after the expiration of  
19 one year from the date of its issuance or last renewal. The  
20 expiration date of a sub-certificate of registration shall be  
21 that of the certificate of registration to which the  
22 sub-certificate relates. Prior to July 1, 2017, a certificate  
23 of registration shall automatically be renewed, subject to  
24 revocation as provided by this Act, for an additional 5 years  
25 from the date of its expiration unless otherwise notified by  
26 the Department as provided by this paragraph. On and after July

1 1, 2017, a certificate of registration shall automatically be  
2 renewed, subject to revocation as provided by this Act, for an  
3 additional one year from the date of its expiration unless  
4 otherwise notified by the Department as provided by this  
5 paragraph.

6 Where a taxpayer to whom a certificate of registration is  
7 issued under this Act is in default to the State of Illinois  
8 for delinquent returns or for moneys due under this Act or any  
9 other State tax law or municipal or county ordinance  
10 administered or enforced by the Department, the Department  
11 shall, not less than 60 days before the expiration date of such  
12 certificate of registration, give notice to the taxpayer to  
13 whom the certificate was issued of the account period of the  
14 delinquent returns, the amount of tax, penalty and interest due  
15 and owing from the taxpayer, and that the certificate of  
16 registration shall not be automatically renewed upon its  
17 expiration date unless the taxpayer, on or before the date of  
18 expiration, has filed and paid the delinquent returns or paid  
19 the defaulted amount in full. A taxpayer to whom such a notice  
20 is issued shall be deemed an applicant for renewal. The  
21 Department shall promulgate regulations establishing  
22 procedures for taxpayers who file returns on a monthly basis  
23 but desire and qualify to change to a quarterly or yearly  
24 filing basis and will no longer be subject to renewal under  
25 this Section, and for taxpayers who file returns on a yearly or  
26 quarterly basis but who desire or are required to change to a

1 monthly filing basis and will be subject to renewal under this  
2 Section.

3       The Department may in its discretion approve renewal by an  
4 applicant who is in default if, at the time of application for  
5 renewal, the applicant files all of the delinquent returns or  
6 pays to the Department such percentage of the defaulted amount  
7 as may be determined by the Department and agrees in writing to  
8 waive all limitations upon the Department for collection of the  
9 remaining defaulted amount to the Department over a period not  
10 to exceed 5 years from the date of renewal of the certificate;  
11 however, no renewal application submitted by an applicant who  
12 is in default shall be approved if the immediately preceding  
13 renewal by the applicant was conditioned upon the installment  
14 payment agreement described in this Section. The payment  
15 agreement herein provided for shall be in addition to and not  
16 in lieu of the security that may be required by this Section of  
17 a taxpayer who is no longer considered a prior continuous  
18 compliance taxpayer. The execution of the payment agreement as  
19 provided in this Act shall not toll the accrual of interest at  
20 the statutory rate.

21       The Department may suspend a certificate of registration if  
22 the Department finds that the person to whom the certificate of  
23 registration has been issued knowingly sold contraband  
24 cigarettes.

25       A certificate of registration issued under this Act more  
26 than 5 years before January 1, 1990 (the effective date of

1 Public Act 86-383) shall expire and be subject to the renewal  
2 provisions of this Section on the next anniversary of the date  
3 of issuance of such certificate which occurs more than 6 months  
4 after January 1, 1990 (the effective date of Public Act  
5 86-383). A certificate of registration issued less than 5 years  
6 before January 1, 1990 (the effective date of Public Act  
7 86-383) shall expire and be subject to the renewal provisions  
8 of this Section on the 5th anniversary of the issuance of the  
9 certificate.

10 If the person so registered states that he operates other  
11 places of business from which he engages in the business of  
12 selling tangible personal property at retail in this State, the  
13 Department shall furnish him with a sub-certificate of  
14 registration for each such place of business, and the applicant  
15 shall display the appropriate sub-certificate of registration  
16 at each such place of business. All sub-certificates of  
17 registration shall bear the same registration number as that  
18 appearing upon the certificate of registration to which such  
19 sub-certificates relate.

20 If the applicant will sell tangible personal property at  
21 retail through vending machines, the Department shall furnish  
22 him with a sub-certificate of registration for each such  
23 vending machine, and the applicant shall display the  
24 appropriate sub-certificate of registration on each such  
25 vending machine by attaching the sub-certificate of  
26 registration to a conspicuous part of such vending machine. If

1 a person who is registered to sell tangible personal property  
2 at retail through vending machines adds an additional vending  
3 machine or additional vending machines to the number of vending  
4 machines he or she uses in his or her business of selling  
5 tangible personal property at retail, he or she shall notify  
6 the Department, on a form prescribed by the Department, to  
7 request an additional sub-certificate or additional  
8 sub-certificates of registration, as applicable. With each  
9 such request, the applicant shall report the number of  
10 sub-certificates of registration he or she is requesting as  
11 well as the total number of vending machines from which he or  
12 she makes retail sales.

13 Where the same person engages in 2 or more businesses of  
14 selling tangible personal property at retail in this State,  
15 which businesses are substantially different in character or  
16 engaged in under different trade names or engaged in under  
17 other substantially dissimilar circumstances (so that it is  
18 more practicable, from an accounting, auditing or bookkeeping  
19 standpoint, for such businesses to be separately registered),  
20 the Department may require or permit such person (subject to  
21 the same requirements concerning the furnishing of security as  
22 those that are provided for hereinbefore in this Section as to  
23 each application for a certificate of registration) to apply  
24 for and obtain a separate certificate of registration for each  
25 such business or for any of such businesses, under a single  
26 certificate of registration supplemented by related

1 sub-certificates of registration.

2 Any person who is registered under the Retailers'  
3 Occupation Tax Act as of March 8, 1963, and who, during the  
4 3-year period immediately prior to March 8, 1963, or during a  
5 continuous 3-year period part of which passed immediately  
6 before and the remainder of which passes immediately after  
7 March 8, 1963, has been so registered continuously and who is  
8 determined by the Department not to have been either delinquent  
9 or deficient in the payment of tax liability during that period  
10 under this Act or under any other State tax law or municipal or  
11 county tax ordinance or resolution under which the certificate  
12 of registration that is issued to the registrant under this Act  
13 will permit the registrant to engage in business without  
14 registering separately under such other law, ordinance or  
15 resolution, shall be considered to be a Prior Continuous  
16 Compliance taxpayer. Also any taxpayer who has, as verified by  
17 the Department, faithfully and continuously complied with the  
18 condition of his bond or other security under the provisions of  
19 this Act for a period of 3 consecutive years shall be  
20 considered to be a Prior Continuous Compliance taxpayer.

21 Every Prior Continuous Compliance taxpayer shall be exempt  
22 from all requirements under this Act concerning the furnishing  
23 of a bond or other security as a condition precedent to his  
24 being authorized to engage in the business of selling tangible  
25 personal property at retail in this State. This exemption shall  
26 continue for each such taxpayer until such time as he may be

1 determined by the Department to be delinquent in the filing of  
2 any returns, or is determined by the Department (either through  
3 the Department's issuance of a final assessment which has  
4 become final under the Act, or by the taxpayer's filing of a  
5 return which admits tax that is not paid to be due) to be  
6 delinquent or deficient in the paying of any tax under this Act  
7 or under any other State tax law or municipal or county tax  
8 ordinance or resolution under which the certificate of  
9 registration that is issued to the registrant under this Act  
10 will permit the registrant to engage in business without  
11 registering separately under such other law, ordinance or  
12 resolution, at which time that taxpayer shall become subject to  
13 all the financial responsibility requirements of this Act and,  
14 as a condition of being allowed to continue to engage in the  
15 business of selling tangible personal property at retail, may  
16 be required to post bond or other acceptable security with the  
17 Department covering liability which such taxpayer may  
18 thereafter incur. Any taxpayer who fails to pay an admitted or  
19 established liability under this Act may also be required to  
20 post bond or other acceptable security with this Department  
21 guaranteeing the payment of such admitted or established  
22 liability.

23 No certificate of registration shall be issued to any  
24 person who is in default to the State of Illinois for moneys  
25 due under this Act or under any other State tax law or  
26 municipal or county tax ordinance or resolution under which the



1 certificate of registration that is issued to the applicant  
2 under this Act will permit the applicant to engage in business  
3 without registering separately under such other law, ordinance  
4 or resolution.

5 Any person aggrieved by any decision of the Department  
6 under this Section may, within 20 days after notice of such  
7 decision, protest and request a hearing, whereupon the  
8 Department shall give notice to such person of the time and  
9 place fixed for such hearing and shall hold a hearing in  
10 conformity with the provisions of this Act and then issue its  
11 final administrative decision in the matter to such person. In  
12 the absence of such a protest within 20 days, the Department's  
13 decision shall become final without any further determination  
14 being made or notice given.

15 With respect to security other than bonds (upon which the  
16 Department may sue in the event of a forfeiture), if the  
17 taxpayer fails to pay, when due, any amount whose payment such  
18 security guarantees, the Department shall, after such  
19 liability is admitted by the taxpayer or established by the  
20 Department through the issuance of a final assessment that has  
21 become final under the law, convert the security which that  
22 taxpayer has furnished into money for the State, after first  
23 giving the taxpayer at least 10 days' written notice, by  
24 registered or certified mail, to pay the liability or forfeit  
25 such security to the Department. If the security consists of  
26 stocks or bonds or other securities which are listed on a

1 public exchange, the Department shall sell such securities  
2 through such public exchange. If the security consists of an  
3 irrevocable bank letter of credit, the Department shall convert  
4 the security in the manner provided for in the Uniform  
5 Commercial Code. If the security consists of a bank certificate  
6 of deposit, the Department shall convert the security into  
7 money by demanding and collecting the amount of such bank  
8 certificate of deposit from the bank which issued such  
9 certificate. If the security consists of a type of stocks or  
10 other securities which are not listed on a public exchange, the  
11 Department shall sell such security to the highest and best  
12 bidder after giving at least 10 days' notice of the date, time  
13 and place of the intended sale by publication in the "State  
14 Official Newspaper". If the Department realizes more than the  
15 amount of such liability from the security, plus the expenses  
16 incurred by the Department in converting the security into  
17 money, the Department shall pay such excess to the taxpayer who  
18 furnished such security, and the balance shall be paid into the  
19 State Treasury.

20 The Department shall discharge any surety and shall release  
21 and return any security deposited, assigned, pledged or  
22 otherwise provided to it by a taxpayer under this Section  
23 within 30 days after:

24 (1) such taxpayer becomes a Prior Continuous  
25 Compliance taxpayer; or

26 (2) such taxpayer has ceased to collect receipts on

1 which he is required to remit tax to the Department, has  
2 filed a final tax return, and has paid to the Department an  
3 amount sufficient to discharge his remaining tax  
4 liability, as determined by the Department, under this Act  
5 and under every other State tax law or municipal or county  
6 tax ordinance or resolution under which the certificate of  
7 registration issued under this Act permits the registrant  
8 to engage in business without registering separately under  
9 such other law, ordinance or resolution. The Department  
10 shall make a final determination of the taxpayer's  
11 outstanding tax liability as expeditiously as possible  
12 after his final tax return has been filed; if the  
13 Department cannot make such final determination within 45  
14 days after receiving the final tax return, within such  
15 period it shall so notify the taxpayer, stating its reasons  
16 therefor.

17 (Source: P.A. 100-302, eff. 8-24-17; 100-303, eff. 8-24-17;  
18 100-863, eff. 8-14-18; 101-31, eff. 6-28-19.)

19 Section 10-50. The Cigarette Tax Act is amended by changing  
20 Section 2 as follows:

21 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

22 Sec. 2. Tax imposed; rate; collection, payment, and  
23 distribution; discount.

24 (a) A tax is imposed upon any person engaged in business as

1 a retailer of cigarettes in this State at the rate of 5 1/2  
2 mills per cigarette sold, or otherwise disposed of in the  
3 course of such business in this State. In addition to any other  
4 tax imposed by this Act, a tax is imposed upon any person  
5 engaged in business as a retailer of cigarettes in this State  
6 at a rate of 1/2 mill per cigarette sold or otherwise disposed  
7 of in the course of such business in this State on and after  
8 January 1, 1947, and shall be paid into the Metropolitan Fair  
9 and Exposition Authority Reconstruction Fund or as otherwise  
10 provided in Section 29. On and after December 1, 1985, in  
11 addition to any other tax imposed by this Act, a tax is imposed  
12 upon any person engaged in business as a retailer of cigarettes  
13 in this State at a rate of 4 mills per cigarette sold or  
14 otherwise disposed of in the course of such business in this  
15 State. Of the additional tax imposed by this amendatory Act of  
16 1985, \$9,000,000 of the moneys received by the Department of  
17 Revenue pursuant to this Act shall be paid each month into the  
18 Common School Fund. On and after the effective date of this  
19 amendatory Act of 1989, in addition to any other tax imposed by  
20 this Act, a tax is imposed upon any person engaged in business  
21 as a retailer of cigarettes at the rate of 5 mills per  
22 cigarette sold or otherwise disposed of in the course of such  
23 business in this State. On and after the effective date of this  
24 amendatory Act of 1993, in addition to any other tax imposed by  
25 this Act, a tax is imposed upon any person engaged in business  
26 as a retailer of cigarettes at the rate of 7 mills per

1 cigarette sold or otherwise disposed of in the course of such  
2 business in this State. On and after December 15, 1997, in  
3 addition to any other tax imposed by this Act, a tax is imposed  
4 upon any person engaged in business as a retailer of cigarettes  
5 at the rate of 7 mills per cigarette sold or otherwise disposed  
6 of in the course of such business of this State. All of the  
7 moneys received by the Department of Revenue pursuant to this  
8 Act and the Cigarette Use Tax Act from the additional taxes  
9 imposed by this amendatory Act of 1997, shall be paid each  
10 month into the Common School Fund. On and after July 1, 2002,  
11 in addition to any other tax imposed by this Act, a tax is  
12 imposed upon any person engaged in business as a retailer of  
13 cigarettes at the rate of 20.0 mills per cigarette sold or  
14 otherwise disposed of in the course of such business in this  
15 State. Beginning on June 24, 2012, in addition to any other tax  
16 imposed by this Act, a tax is imposed upon any person engaged  
17 in business as a retailer of cigarettes at the rate of 50 mills  
18 per cigarette sold or otherwise disposed of in the course of  
19 such business in this State. All moneys received by the  
20 Department of Revenue under this Act and the Cigarette Use Tax  
21 Act from the additional taxes imposed by this amendatory Act of  
22 the 97th General Assembly shall be paid each month into the  
23 Healthcare Provider Relief Fund. Beginning on July 1, 2019, in  
24 place of the aggregate tax rate of 99 mills previously imposed  
25 by this Act, a tax is imposed upon any person engaged in  
26 business as a retailer of cigarettes at the rate of 149 mills

1 ~~per cigarette sold or otherwise disposed of in the course of~~  
2 ~~such business in this State.~~

3 ~~(b)~~ The payment of such taxes shall be evidenced by a stamp  
4 affixed to each original package of cigarettes, or an  
5 authorized substitute for such stamp imprinted on each original  
6 package of such cigarettes underneath the sealed transparent  
7 outside wrapper of such original package, as hereinafter  
8 provided. However, such taxes are not imposed upon any activity  
9 in such business in interstate commerce or otherwise, which  
10 activity may not under the Constitution and statutes of the  
11 United States be made the subject of taxation by this State.

12 Beginning on the effective date of this amendatory Act of  
13 the 92nd General Assembly and through June 30, 2006, all of the  
14 moneys received by the Department of Revenue pursuant to this  
15 Act and the Cigarette Use Tax Act, other than the moneys that  
16 are dedicated to the Common School Fund, shall be distributed  
17 each month as follows: first, there shall be paid into the  
18 General Revenue Fund an amount which, when added to the amount  
19 paid into the Common School Fund for that month, equals  
20 \$33,300,000, except that in the month of August of 2004, this  
21 amount shall equal \$83,300,000; then, from the moneys  
22 remaining, if any amounts required to be paid into the General  
23 Revenue Fund in previous months remain unpaid, those amounts  
24 shall be paid into the General Revenue Fund; then, beginning on  
25 April 1, 2003, from the moneys remaining, \$5,000,000 per month  
26 shall be paid into the School Infrastructure Fund; then, if any

1 amounts required to be paid into the School Infrastructure Fund  
2 in previous months remain unpaid, those amounts shall be paid  
3 into the School Infrastructure Fund; then the moneys remaining,  
4 if any, shall be paid into the Long-Term Care Provider Fund. To  
5 the extent that more than \$25,000,000 has been paid into the  
6 General Revenue Fund and Common School Fund per month for the  
7 period of July 1, 1993 through the effective date of this  
8 amendatory Act of 1994 from combined receipts of the Cigarette  
9 Tax Act and the Cigarette Use Tax Act, notwithstanding the  
10 distribution provided in this Section, the Department of  
11 Revenue is hereby directed to adjust the distribution provided  
12 in this Section to increase the next monthly payments to the  
13 Long Term Care Provider Fund by the amount paid to the General  
14 Revenue Fund and Common School Fund in excess of \$25,000,000  
15 per month and to decrease the next monthly payments to the  
16 General Revenue Fund and Common School Fund by that same excess  
17 amount.

18 Out of the 149 mills per cigarette tax imposed by  
19 subsection (a), the revenues received from 4 mills shall be  
20 paid into the Common School Fund each month, not to exceed  
21 \$9,000,000 per month. Out of the 149 mills per cigarette tax  
22 imposed by subsection (a), all of the revenues received from 7  
23 mills shall be paid into the Common School Fund each month. Out  
24 of the 149 mills per cigarette tax imposed by subsection (a),  
25 50 mills per cigarette each month shall be paid into the  
26 Healthcare Provider Relief Fund.

1           Beginning on July 1, 2006, all of the moneys received by  
2 the Department of Revenue pursuant to this Act and the  
3 Cigarette Use Tax Act, other than the moneys that are dedicated  
4 to the Common School Fund and, beginning on the effective date  
5 of this amendatory Act of the 97th General Assembly, other than  
6 the moneys from the additional taxes imposed by this amendatory  
7 Act of the 97th General Assembly that must be paid each month  
8 into the Healthcare Provider Relief Fund, ~~and other than the~~  
9 ~~moneys from the additional taxes imposed by this amendatory Act~~  
10 ~~of the 101st General Assembly that must be paid each month~~  
11 ~~under subsection (c),~~ shall be distributed each month as  
12 follows: first, there shall be paid into the General Revenue  
13 Fund an amount that, when added to the amount paid into the  
14 Common School Fund for that month, equals \$29,200,000; then,  
15 from the moneys remaining, if any amounts required to be paid  
16 into the General Revenue Fund in previous months remain unpaid,  
17 those amounts shall be paid into the General Revenue Fund; then  
18 from the moneys remaining, \$5,000,000 per month shall be paid  
19 into the School Infrastructure Fund; then, if any amounts  
20 required to be paid into the School Infrastructure Fund in  
21 previous months remain unpaid, those amounts shall be paid into  
22 the School Infrastructure Fund; then the moneys remaining, if  
23 any, shall be paid into the Long-Term Care Provider Fund.

24           ~~(c) Beginning on July 1, 2019, all of the moneys from the~~  
25 ~~additional taxes imposed by Public Act 101-31, except for~~  
26 ~~moneys received from the tax on electronic cigarettes, received~~



1 ~~by the Department of Revenue pursuant to this Act, the~~  
2 ~~Cigarette Use Tax Act, and the Tobacco Products Tax Act of 1995~~  
3 ~~shall be distributed each month into the Capital Projects Fund.~~

4 Moneys ~~(d) Except for moneys received from the additional~~  
5 ~~taxes imposed by Public Act 101-31,~~ moneys collected from the  
6 tax imposed on little cigars under Section 10-10 of the Tobacco  
7 Products Tax Act of 1995 shall be included with the moneys  
8 collected under the Cigarette Tax Act and the Cigarette Use Tax  
9 Act when making distributions to the Common School Fund, the  
10 Healthcare Provider Relief Fund, the General Revenue Fund, the  
11 School Infrastructure Fund, and the Long-Term Care Provider  
12 Fund under this Section.

13 When any ~~(e) If the~~ tax imposed herein terminates or has  
14 terminated, distributors who have bought stamps while such tax  
15 was in effect and who therefore paid such tax, but who can  
16 show, to the Department's satisfaction, that they sold the  
17 cigarettes to which they affixed such stamps after such tax had  
18 terminated and did not recover the tax or its equivalent from  
19 purchasers, shall be allowed by the Department to take credit  
20 for such absorbed tax against subsequent tax stamp purchases  
21 from the Department by such distributor.

22 ~~(f)~~ The impact of the tax levied by this Act is imposed  
23 upon the retailer and shall be prepaid or pre-collected by the  
24 distributor for the purpose of convenience and facility only,  
25 and the amount of the tax shall be added to the price of the  
26 cigarettes sold by such distributor. Collection of the tax

1 shall be evidenced by a stamp or stamps affixed to each  
2 original package of cigarettes, as hereinafter provided. Any  
3 distributor who purchases stamps may credit any excess payments  
4 verified by the Department against amounts subsequently due for  
5 the purchase of additional stamps, until such time as no excess  
6 payment remains.

7 ~~(g)~~ Each distributor shall collect the tax from the  
8 retailer at or before the time of the sale, shall affix the  
9 stamps as hereinafter required, and shall remit the tax  
10 collected from retailers to the Department, as hereinafter  
11 provided. Any distributor who fails to properly collect and pay  
12 the tax imposed by this Act shall be liable for the tax. Any  
13 distributor having cigarettes to which stamps have been affixed  
14 in his possession for sale on the effective date of this  
15 amendatory Act of 1989 shall not be required to pay the  
16 additional tax imposed by this amendatory Act of 1989 on such  
17 stamped cigarettes. Any distributor having cigarettes to which  
18 stamps have been affixed in his or her possession for sale at  
19 12:01 a.m. on the effective date of this amendatory Act of  
20 1993, is required to pay the additional tax imposed by this  
21 amendatory Act of 1993 on such stamped cigarettes. This  
22 payment, less the discount provided in subsection (b), shall be  
23 due when the distributor first makes a purchase of cigarette  
24 tax stamps after the effective date of this amendatory Act of  
25 1993, or on the first due date of a return under this Act after  
26 the effective date of this amendatory Act of 1993, whichever

1 occurs first. Any distributor having cigarettes to which stamps  
2 have been affixed in his possession for sale on December 15,  
3 1997 shall not be required to pay the additional tax imposed by  
4 this amendatory Act of 1997 on such stamped cigarettes.

5 Any distributor having cigarettes to which stamps have been  
6 affixed in his or her possession for sale on July 1, 2002 shall  
7 not be required to pay the additional tax imposed by this  
8 amendatory Act of the 92nd General Assembly on those stamped  
9 cigarettes.

10 ~~(h) Any distributor having cigarettes in his or her~~  
11 ~~possession on July 1, 2019 to which tax stamps have been~~  
12 ~~affixed, and any distributor having stamps in his or her~~  
13 ~~possession on July 1, 2019 that have not been affixed to~~  
14 ~~packages of cigarettes before July 1, 2019, is required to pay~~  
15 ~~the additional tax that begins on July 1, 2019 imposed by this~~  
16 ~~amendatory Act of the 101st General Assembly to the extent that~~  
17 ~~the volume of affixed and unaffixed stamps in the distributor's~~  
18 ~~possession on July 1, 2019 exceeds the average monthly volume~~  
19 ~~of cigarette stamps purchased by the distributor in calendar~~  
20 ~~year 2018. This payment, less the discount provided in~~  
21 ~~subsection (1), is due when the distributor first makes a~~  
22 ~~purchase of cigarette stamps on or after July 1, 2019 or on the~~  
23 ~~first due date of a return under this Act occurring on or after~~  
24 ~~July 1, 2019, whichever occurs first. Those distributors may~~  
25 ~~elect to pay the additional tax on packages of cigarettes to~~  
26 ~~which stamps have been affixed and on any stamps in the~~

1 ~~distributor's possession that have not been affixed to packages~~  
2 ~~of cigarettes in their possession on July 1, 2019 over a period~~  
3 ~~not to exceed 12 months from the due date of the additional tax~~  
4 ~~by notifying the Department in writing. The first payment for~~  
5 ~~distributors making such election is due when the distributor~~  
6 ~~first makes a purchase of cigarette tax stamps on or after July~~  
7 ~~1, 2019 or on the first due date of a return under this Act~~  
8 ~~occurring on or after July 1, 2019, whichever occurs first.~~  
9 ~~Distributors making such an election are not entitled to take~~  
10 ~~the discount provided in subsection (1) on such payments.~~

11 ~~(i)~~ Any retailer having cigarettes in ~~its~~ his or her  
12 possession on ~~July 1, 2019~~ June 24, 2012 to which tax stamps  
13 have been affixed is not required to pay the additional tax  
14 that begins on ~~July 1, 2019~~ June 24, 2012 imposed by ~~this~~  
15 ~~amendatory Act of the 101st General Assembly~~ this amendatory  
16 Act of the 97th General Assembly on those stamped cigarettes.  
17 Any distributor having cigarettes in his or her possession on  
18 June 24, 2012 to which tax stamps have been affixed, and any  
19 distributor having stamps in his or her possession on June 24,  
20 2012 that have not been affixed to packages of cigarettes  
21 before June 24, 2012, is required to pay the additional tax  
22 that begins on June 24, 2012 imposed by this amendatory Act of  
23 the 97th General Assembly to the extent the calendar year 2012  
24 average monthly volume of cigarette stamps in the distributor's  
25 possession exceeds the average monthly volume of cigarette  
26 stamps purchased by the distributor in calendar year 2011. This

1 payment, less the discount provided in subsection (b), is due  
2 when the distributor first makes a purchase of cigarette stamps  
3 on or after June 24, 2012 or on the first due date of a return  
4 under this Act occurring on or after June 24, 2012, whichever  
5 occurs first. Those distributors may elect to pay the  
6 additional tax on packages of cigarettes to which stamps have  
7 been affixed and on any stamps in the distributor's possession  
8 that have not been affixed to packages of cigarettes over a  
9 period not to exceed 12 months from the due date of the  
10 additional tax by notifying the Department in writing. The  
11 first payment for distributors making such election is due when  
12 the distributor first makes a purchase of cigarette tax stamps  
13 on or after June 24, 2012 or on the first due date of a return  
14 under this Act occurring on or after June 24, 2012, whichever  
15 occurs first. Distributors making such an election are not  
16 entitled to take the discount provided in subsection (b) on  
17 such payments.

18 ~~(j)~~ Distributors making sales of cigarettes to secondary  
19 distributors shall add the amount of the tax to the price of  
20 the cigarettes sold by the distributors. Secondary  
21 distributors making sales of cigarettes to retailers shall  
22 include the amount of the tax in the price of the cigarettes  
23 sold to retailers. The amount of tax shall not be less than the  
24 amount of taxes imposed by the State and all local  
25 jurisdictions. The amount of local taxes shall be calculated  
26 based on the location of the retailer's place of business shown

1 on the retailer's certificate of registration or  
2 sub-registration issued to the retailer pursuant to Section 2a  
3 of the Retailers' Occupation Tax Act. The original packages of  
4 cigarettes sold to the retailer shall bear all the required  
5 stamps, or other indicia, for the taxes included in the price  
6 of cigarettes.

7 ~~(\*)~~ The amount of the Cigarette Tax imposed by this Act  
8 shall be separately stated, apart from the price of the goods,  
9 by distributors, manufacturer representatives, secondary  
10 distributors, and retailers, in all bills and sales invoices.

11 ~~(1)~~ (b) The distributor shall be required to collect the  
12 ~~tax~~ taxes provided under paragraph (a) hereof, and, to cover  
13 the costs of such collection, shall be allowed a discount  
14 during any year commencing July 1st and ending the following  
15 June 30th in accordance with the schedule set out hereinbelow,  
16 which discount shall be allowed at the time of purchase of the  
17 stamps when purchase is required by this Act, or at the time  
18 when the tax is remitted to the Department without the purchase  
19 of stamps from the Department when that method of paying the  
20 tax is required or authorized by this Act. Prior to December 1,  
21 1985, a discount equal to 1 2/3% of the amount of the tax up to  
22 and including the first \$700,000 paid hereunder by such  
23 distributor to the Department during any such year; 1 1/3% of  
24 the next \$700,000 of tax or any part thereof, paid hereunder by  
25 such distributor to the Department during any such year; 1% of  
26 the next \$700,000 of tax, or any part thereof, paid hereunder

1 by such distributor to the Department during any such year, and  
2 2/3 of 1% of the amount of any additional tax paid hereunder by  
3 such distributor to the Department during any such year shall  
4 apply.

5 On and after December 1, 1985, a discount equal to 1.75% of  
6 the amount of the tax payable under this Act up to and  
7 including the first \$3,000,000 paid hereunder by such  
8 distributor to the Department during any such year and 1.5% of  
9 the amount of any additional tax paid hereunder by such  
10 distributor to the Department during any such year shall apply.

11 Two or more distributors that use a common means of  
12 affixing revenue tax stamps or that are owned or controlled by  
13 the same interests shall be treated as a single distributor for  
14 the purpose of computing the discount.

15 ~~(m)~~ (c) The taxes herein imposed are in addition to all  
16 other occupation or privilege taxes imposed by the State of  
17 Illinois, or by any political subdivision thereof, or by any  
18 municipal corporation.

19 (Source: P.A. 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19;  
20 101-604, eff. 12-13-19.)

21 Section 10-59. The Cigarette Tax Act is amended by adding  
22 Section 29.1 as follows:

23 (35 ILCS 130/29.1 new)

24 Sec. 29.1. All moneys received by the Department from the

1 one-half mill tax imposed by the Sixty-fourth General Assembly  
2 and all interest and penalties, received in connection  
3 therewith under the provisions of this Act shall be paid into  
4 the Metropolitan Fair and Exposition Authority Reconstruction  
5 Fund. All other moneys received by the Department under this  
6 Act shall be paid into the General Revenue Fund in the State  
7 treasury. After there has been paid into the Metropolitan Fair  
8 and Exposition Authority Reconstruction Fund sufficient money  
9 to pay in full both principal and interest, all of the  
10 outstanding bonds issued pursuant to the "Fair and Exposition  
11 Authority Reconstruction Act", the State Treasurer and  
12 Comptroller shall transfer to the General Revenue Fund the  
13 balance of moneys remaining in the Metropolitan Fair and  
14 Exposition Authority Reconstruction Fund except for \$2,500,000  
15 which shall remain in the Metropolitan Fair and Exposition  
16 Authority Reconstruction Fund and which may be appropriated by  
17 the General Assembly for the corporate purposes of the  
18 Metropolitan Pier and Exposition Authority. All monies  
19 received by the Department in fiscal year 1978 and thereafter  
20 from the one-half mill tax imposed by the Sixty-fourth General  
21 Assembly, and all interest and penalties received in connection  
22 therewith under the provisions of this Act, shall be paid into  
23 the General Revenue Fund, except that the Department shall pay  
24 the first \$4,800,000 received in fiscal years 1979 through 2001  
25 from that one-half mill tax into the Metropolitan Fair and  
26 Exposition Authority Reconstruction Fund which monies may be



1 appropriated by the General Assembly for the corporate purposes  
2 of the Metropolitan Pier and Exposition Authority.

3 In fiscal year 2002 and fiscal year 2003, the first  
4 \$4,800,000 from the one-half mill tax shall be paid into the  
5 Statewide Economic Development Fund.

6 All moneys received by the Department in fiscal year 2006  
7 and thereafter from the one-half mill tax imposed by the 64th  
8 General Assembly and all interest and penalties received in  
9 connection with that tax under the provisions of this Act shall  
10 be paid into the General Revenue Fund.

11 Section 10-60. The Cigarette Use Tax Act is amended by  
12 changing Sections 2 and 35 as follows:

13 (35 ILCS 135/2) (from Ch. 120, par. 453.32)

14 ~~Sec. 2. Beginning on July 1, 2019, in place of the~~  
15 ~~aggregate tax rate of 99 mills previously imposed by this Act,~~  
16 ~~a tax is imposed upon the privilege of using cigarettes in this~~  
17 ~~State at the rate of 149 mills per cigarette so used. A tax is~~  
18 imposed upon the privilege of using cigarettes in this State,  
19 at the rate of 6 mills per cigarette so used. On and after  
20 December 1, 1985, in addition to any other tax imposed by this  
21 Act, a tax is imposed upon the privilege of using cigarettes in  
22 this State at a rate of 4 mills per cigarette so used. On and  
23 after the effective date of this amendatory Act of 1989, in  
24 addition to any other tax imposed by this Act, a tax is imposed

1 upon the privilege of using cigarettes in this State at the  
2 rate of 5 mills per cigarette so used. On and after the  
3 effective date of this amendatory Act of 1993, in addition to  
4 any other tax imposed by this Act, a tax is imposed upon the  
5 privilege of using cigarettes in this State at a rate of 7  
6 mills per cigarette so used. On and after December 15, 1997, in  
7 addition to any other tax imposed by this Act, a tax is imposed  
8 upon the privilege of using cigarettes in this State at a rate  
9 of 7 mills per cigarette so used. On and after July 1, 2002, in  
10 addition to any other tax imposed by this Act, a tax is imposed  
11 upon the privilege of using cigarettes in this State at a rate  
12 of 20.0 mills per cigarette so used. Beginning on June 24,  
13 2012, in addition to any other tax imposed by this Act, a tax  
14 is imposed upon the privilege of using cigarettes in this State  
15 at a rate of 50 mills per cigarette so used. The ~~tax~~ taxes  
16 herein imposed shall be in addition to all other occupation or  
17 privilege taxes imposed by the State of Illinois or by any  
18 political subdivision thereof or by any municipal corporation.

19 ~~If the~~ When any tax imposed herein terminates or has  
20 terminated, distributors who have bought stamps while such tax  
21 was in effect and who therefore paid such tax, but who can  
22 show, to the Department's satisfaction, that they sold the  
23 cigarettes to which they affixed such stamps after such tax had  
24 terminated and did not recover the tax or its equivalent from  
25 purchasers, shall be allowed by the Department to take credit  
26 for such absorbed tax against subsequent tax stamp purchases

1 from the Department by such distributors.

2 When the word "tax" is used in this Act, it shall include  
3 any tax or tax rate imposed by this Act and shall mean the  
4 singular of "tax" or the plural "taxes" as the context may  
5 require.

6 ~~Any retailer having cigarettes in its possession on July 1,~~  
7 ~~2019 to which tax stamps have been affixed is not required to~~  
8 ~~pay the additional tax that begins on July 1, 2019 imposed by~~  
9 ~~this amendatory Act of the 101st General Assembly on those~~  
10 ~~stamped cigarettes. Any distributor having cigarettes in his or~~  
11 ~~her possession on July 1, 2019 to which tax stamps have been~~  
12 ~~affixed, and any distributor having stamps in his or her~~  
13 ~~possession on July 1, 2019 that have not been affixed to~~  
14 ~~packages of cigarettes before July 1, 2019, is required to pay~~  
15 ~~the additional tax that begins on July 1, 2019 imposed by this~~  
16 ~~amendatory Act of the 101st General Assembly to the extent that~~  
17 ~~the volume of affixed and unaffixed stamps in the distributor's~~  
18 ~~possession on July 1, 2019 exceeds the average monthly volume~~  
19 ~~of cigarette stamps purchased by the distributor in calendar~~  
20 ~~year 2018. This payment, less the discount provided in Section~~  
21 ~~3, is due when the distributor first makes a purchase of~~  
22 ~~cigarette stamps on or after July 1, 2019 or on the first due~~  
23 ~~date of a return under this Act occurring on or after July 1,~~  
24 ~~2019, whichever occurs first. Those distributors may elect to~~  
25 ~~pay the additional tax on packages of cigarettes to which~~  
26 ~~stamps have been affixed and on any stamps in the distributor's~~

1 ~~possession that have not been affixed to packages of cigarettes~~  
2 ~~in their possession on July 1, 2019 over a period not to exceed~~  
3 ~~12 months from the due date of the additional tax by notifying~~  
4 ~~the Department in writing. The first payment for distributors~~  
5 ~~making such election is due when the distributor first makes a~~  
6 ~~purchase of cigarette tax stamps on or after July 1, 2019 or on~~  
7 ~~the first due date of a return under this Act occurring on or~~  
8 ~~after July 1, 2019, whichever occurs first. Distributors making~~  
9 ~~such an election are not entitled to take the discount provided~~  
10 ~~in Section 3 on such payments.~~

11 Any distributor having cigarettes to which stamps have been  
12 affixed in his possession for sale on the effective date of  
13 this amendatory Act of 1989 shall not be required to pay the  
14 additional tax imposed by this amendatory Act of 1989 on such  
15 stamped cigarettes. Any distributor having cigarettes to which  
16 stamps have been affixed in his or her possession for sale at  
17 12:01 a.m. on the effective date of this amendatory Act of  
18 1993, is required to pay the additional tax imposed by this  
19 amendatory Act of 1993 on such stamped cigarettes. This payment  
20 shall be due when the distributor first makes a purchase of  
21 cigarette tax stamps after the effective date of this  
22 amendatory Act of 1993, or on the first due date of a return  
23 under this Act after the effective date of this amendatory Act  
24 of 1993, whichever occurs first. Once a distributor tenders  
25 payment of the additional tax to the Department, the  
26 distributor may purchase stamps from the Department. Any

1 distributor having cigarettes to which stamps have been affixed  
2 in his possession for sale on December 15, 1997 shall not be  
3 required to pay the additional tax imposed by this amendatory  
4 Act of 1997 on such stamped cigarettes.

5 Any distributor having cigarettes to which stamps have been  
6 affixed in his or her possession for sale on July 1, 2002 shall  
7 not be required to pay the additional tax imposed by this  
8 amendatory Act of the 92nd General Assembly on those stamped  
9 cigarettes.

10 Any retailer having cigarettes in his or her possession on  
11 June 24, 2012 to which tax stamps have been affixed is not  
12 required to pay the additional tax that begins on June 24, 2012  
13 imposed by this amendatory Act of the 97th General Assembly on  
14 those stamped cigarettes. Any distributor having cigarettes in  
15 his or her possession on June 24, 2012 to which tax stamps have  
16 been affixed, and any distributor having stamps in his or her  
17 possession on June 24, 2012 that have not been affixed to  
18 packages of cigarettes before June 24, 2012, is required to pay  
19 the additional tax that begins on June 24, 2012 imposed by this  
20 amendatory Act of the 97th General Assembly to the extent the  
21 calendar year 2012 average monthly volume of cigarette stamps  
22 in the distributor's possession exceeds the average monthly  
23 volume of cigarette stamps purchased by the distributor in  
24 calendar year 2011. This payment, less the discount provided in  
25 Section 3, is due when the distributor first makes a purchase  
26 of cigarette stamps on or after June 24, 2012 or on the first

1 due date of a return under this Act occurring on or after June  
2 24, 2012, whichever occurs first. Those distributors may elect  
3 to pay the additional tax on packages of cigarettes to which  
4 stamps have been affixed and on any stamps in the distributor's  
5 possession that have not been affixed to packages of cigarettes  
6 over a period not to exceed 12 months from the due date of the  
7 additional tax by notifying the Department in writing. The  
8 first payment for distributors making such election is due when  
9 the distributor first makes a purchase of cigarette tax stamps  
10 on or after June 24, 2012 or on the first due date of a return  
11 under this Act occurring on or after June 24, 2012, whichever  
12 occurs first. Distributors making such an election are not  
13 entitled to take the discount provided in Section 3 on such  
14 payments.

15 (Source: P.A. 101-31, eff. 6-28-19.)

16 (35 ILCS 135/35) (from Ch. 120, par. 453.65)

17 Sec. 35. Distribution of receipts. All moneys received by  
18 the Department under this Act shall be distributed as provided  
19 in subsection (a) of Section 2 of the Cigarette Tax Act.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 Section 10-65. The Tobacco Products Tax Act of 1995 is  
22 amended by changing Sections 10-5 and 10-10 as follows:

23 (35 ILCS 143/10-5)

1           Sec. 10-5. Definitions. For purposes of this Act:

2           "Business" means any trade, occupation, activity, or  
3 enterprise engaged in, at any location whatsoever, for the  
4 purpose of selling tobacco products.

5           "Cigarette" has the meaning ascribed to the term in Section  
6 1 of the Cigarette Tax Act.

7           "Contraband little cigar" means:

8           (1) packages of little cigars containing 20 or 25  
9 little cigars that do not bear a required tax stamp under  
10 this Act;

11           (2) packages of little cigars containing 20 or 25  
12 little cigars that bear a fraudulent, imitation, or  
13 counterfeit tax stamp;

14           (3) packages of little cigars containing 20 or 25  
15 little cigars that are improperly tax stamped, including  
16 packages of little cigars that bear only a tax stamp of  
17 another state or taxing jurisdiction; or

18           (4) packages of little cigars containing other than 20  
19 or 25 little cigars in the possession of a distributor,  
20 retailer or wholesaler, unless the distributor, retailer,  
21 or wholesaler possesses, or produces within the time frame  
22 provided in Section 10-27 or 10-28 of this Act, an invoice  
23 from a stamping distributor, distributor, or wholesaler  
24 showing that the tax on the packages has been or will be  
25 paid.

26           "Correctional Industries program" means a program run by a

1 State penal institution in which residents of the penal  
2 institution produce tobacco products for sale to persons  
3 incarcerated in penal institutions or resident patients of a  
4 State operated mental health facility.

5 "Department" means the Illinois Department of Revenue.

6 "Distributor" means any of the following:

7 (1) Any manufacturer or wholesaler in this State  
8 engaged in the business of selling tobacco products who  
9 sells, exchanges, or distributes tobacco products to  
10 retailers or consumers in this State.

11 (2) Any manufacturer or wholesaler engaged in the  
12 business of selling tobacco products from without this  
13 State who sells, exchanges, distributes, ships, or  
14 transports tobacco products to retailers or consumers  
15 located in this State, so long as that manufacturer or  
16 wholesaler has or maintains within this State, directly or  
17 by subsidiary, an office, sales house, or other place of  
18 business, or any agent or other representative operating  
19 within this State under the authority of the person or  
20 subsidiary, irrespective of whether the place of business  
21 or agent or other representative is located here  
22 permanently or temporarily.

23 (3) Any retailer who receives tobacco products on which  
24 the tax has not been or will not be paid by another  
25 distributor.

26 "Distributor" does not include any person, wherever



1 resident or located, who makes, manufactures, or fabricates  
2 tobacco products as part of a Correctional Industries program  
3 for sale to residents incarcerated in penal institutions or  
4 resident patients of a State operated mental health facility.

5 ~~"Electronic cigarette" means:~~

6 ~~(1) any device that employs a battery or other~~  
7 ~~mechanism to heat a solution or substance to produce a~~  
8 ~~vapor or aerosol intended for inhalation;~~

9 ~~(2) any cartridge or container of a solution or~~  
10 ~~substance intended to be used with or in the device or to~~  
11 ~~refill the device; or~~

12 ~~(3) any solution or substance, whether or not it~~  
13 ~~contains nicotine, intended for use in the device.~~

14 ~~"Electronic cigarette" includes, but is not limited to, any~~  
15 ~~electronic nicotine delivery system, electronic cigar,~~  
16 ~~electronic cigarillo, electronic pipe, electronic hookah, vape~~  
17 ~~pen, or similar product or device, and any component or part~~  
18 ~~that can be used to build the product or device. "Electronic~~  
19 ~~cigarette" does not include: cigarettes, as defined in Section~~  
20 ~~1 of the Cigarette Tax Act; any product approved by the United~~  
21 ~~States Food and Drug Administration for sale as a tobacco~~  
22 ~~cessation product, a tobacco dependence product, or for other~~  
23 ~~medical purposes that is marketed and sold solely for that~~  
24 ~~approved purpose; any asthma inhaler prescribed by a physician~~  
25 ~~for that condition that is marketed and sold solely for that~~  
26 ~~approved purpose; or any therapeutic product approved for use~~

1 ~~under the Compassionate Use of Medical Cannabis Program Act.~~

2 "Little cigar" means and includes any roll, made wholly or  
3 in part of tobacco, where such roll has an integrated cellulose  
4 acetate filter and weighs less than 4 pounds per thousand and  
5 the wrapper or cover of which is made in whole or in part of  
6 tobacco.

7 "Manufacturer" means any person, wherever resident or  
8 located, who manufactures and sells tobacco products, except a  
9 person who makes, manufactures, or fabricates tobacco products  
10 as a part of a Correctional Industries program for sale to  
11 persons incarcerated in penal institutions or resident  
12 patients of a State operated mental health facility.

13 Beginning on January 1, 2013, "moist snuff" means any  
14 finely cut, ground, or powdered tobacco that is not intended to  
15 be smoked, but shall not include any finely cut, ground, or  
16 powdered tobacco that is intended to be placed in the nasal  
17 cavity.

18 "Person" means any natural individual, firm, partnership,  
19 association, joint stock company, joint venture, limited  
20 liability company, or public or private corporation, however  
21 formed, or a receiver, executor, administrator, trustee,  
22 conservator, or other representative appointed by order of any  
23 court.

24 "Place of business" means and includes any place where  
25 tobacco products are sold or where tobacco products are  
26 manufactured, stored, or kept for the purpose of sale or

1 consumption, including any vessel, vehicle, airplane, train,  
2 or vending machine.

3 "Retailer" means any person in this State engaged in the  
4 business of selling tobacco products to consumers in this  
5 State, regardless of quantity or number of sales.

6 "Sale" means any transfer, exchange, or barter in any  
7 manner or by any means whatsoever for a consideration and  
8 includes all sales made by persons.

9 "Stamp" or "stamps" mean the indicia required to be affixed  
10 on a package of little cigars that evidence payment of the tax  
11 on packages of little cigars containing 20 or 25 little cigars  
12 under Section 10-10 of this Act. These stamps shall be the same  
13 stamps used for cigarettes under the Cigarette Tax Act.

14 "Stamping distributor" means a distributor licensed under  
15 this Act and also licensed as a distributor under the Cigarette  
16 Tax Act or Cigarette Use Tax Act.

17 "Tobacco products" means any cigars, including little  
18 cigars; cheroots; stogies; periques; granulated, plug cut,  
19 crimp cut, ready rubbed, and other smoking tobacco; snuff  
20 (including moist snuff) or snuff flour; cavendish; plug and  
21 twist tobacco; fine-cut and other chewing tobaccos; shorts;  
22 refuse scraps, clippings, cuttings, and sweeping of tobacco;  
23 and other kinds and forms of tobacco, prepared in such manner  
24 as to be suitable for chewing or smoking in a pipe or  
25 otherwise, or both for chewing and smoking; but does not  
26 include cigarettes as defined in Section 1 of the Cigarette Tax

1 Act or tobacco purchased for the manufacture of cigarettes by  
2 cigarette distributors and manufacturers defined in the  
3 Cigarette Tax Act and persons who make, manufacture, or  
4 fabricate cigarettes as a part of a Correctional Industries  
5 program for sale to residents incarcerated in penal  
6 institutions or resident patients of a State operated mental  
7 health facility.

8 ~~Beginning on July 1, 2019, "tobacco products" also includes~~  
9 ~~electronic cigarettes.~~

10 "Wholesale price" means the established list price for  
11 which a manufacturer sells tobacco products to a distributor,  
12 before the allowance of any discount, trade allowance, rebate,  
13 or other reduction. In the absence of such an established list  
14 price, the manufacturer's invoice price at which the  
15 manufacturer sells the tobacco product to unaffiliated  
16 distributors, before any discounts, trade allowances, rebates,  
17 or other reductions, shall be presumed to be the wholesale  
18 price.

19 "Wholesaler" means any person, wherever resident or  
20 located, engaged in the business of selling tobacco products to  
21 others for the purpose of resale. "Wholesaler", when used in  
22 this Act, does not include a person licensed as a distributor  
23 under Section 10-20 of this Act unless expressly stated in this  
24 Act.

25 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19.)

1 (35 ILCS 143/10-10)

2 Sec. 10-10. Tax imposed.

3 (a) Except as otherwise provided in this Section with  
4 respect to little cigars, on the first day of the third month  
5 after the month in which this Act becomes law, a tax is imposed  
6 on any person engaged in business as a distributor of tobacco  
7 products, as defined in Section 10-5, at the rate of (i) 18% of  
8 the wholesale price of tobacco products sold or otherwise  
9 disposed of to retailers or consumers located in this State  
10 prior to July 1, 2012 and (ii) 36% of the wholesale price of  
11 tobacco products sold or otherwise disposed of to retailers or  
12 consumers located in this State beginning on July 1, 2012;  
13 except that, beginning on January 1, 2013, the tax on moist  
14 snuff shall be imposed at a rate of \$0.30 per ounce, and a  
15 proportionate tax at the like rate on all fractional parts of  
16 an ounce, sold or otherwise disposed of to retailers or  
17 consumers located in this State; ~~and except that, beginning~~  
18 ~~July 1, 2019, the tax on electronic cigarettes shall be imposed~~  
19 ~~at the rate of 15% of the wholesale price of electronic~~  
20 ~~cigarettes sold or otherwise disposed of to retailers or~~  
21 ~~consumers located in this State.~~ The tax is in addition to all  
22 other occupation or privilege taxes imposed by the State of  
23 Illinois, by any political subdivision thereof, or by any  
24 municipal corporation. However, the tax is not imposed upon any  
25 activity in that business in interstate commerce or otherwise,  
26 to the extent to which that activity may not, under the

1 Constitution and Statutes of the United States, be made the  
2 subject of taxation by this State, and except that, beginning  
3 July 1, 2013, the tax on little cigars shall be imposed at the  
4 same rate, and the proceeds shall be distributed in the same  
5 manner, as the tax imposed on cigarettes under the Cigarette  
6 Tax Act. The tax is also not imposed on sales made to the  
7 United States or any entity thereof.

8 (b) Notwithstanding subsection (a) of this Section,  
9 stamping distributors of packages of little cigars containing  
10 20 or 25 little cigars sold or otherwise disposed of in this  
11 State shall remit the tax by purchasing tax stamps from the  
12 Department and affixing them to packages of little cigars in  
13 the same manner as stamps are purchased and affixed to  
14 cigarettes under the Cigarette Tax Act, unless the stamping  
15 distributor sells or otherwise disposes of those packages of  
16 little cigars to another stamping distributor. Only persons  
17 meeting the definition of "stamping distributor" contained in  
18 Section 10-5 of this Act may affix stamps to packages of little  
19 cigars containing 20 or 25 little cigars. Stamping distributors  
20 may not sell or dispose of little cigars at retail to consumers  
21 or users at locations where stamping distributors affix stamps  
22 to packages of little cigars containing 20 or 25 little cigars.

23 (c) The impact of the tax levied by this Act is imposed  
24 upon distributors engaged in the business of selling tobacco  
25 products to retailers or consumers in this State. Whenever a  
26 stamping distributor brings or causes to be brought into this

1 State from without this State, or purchases from without or  
2 within this State, any packages of little cigars containing 20  
3 or 25 little cigars upon which there are no tax stamps affixed  
4 as required by this Act, for purposes of resale or disposal in  
5 this State to a person not a stamping distributor, then such  
6 stamping distributor shall pay the tax to the Department and  
7 add the amount of the tax to the price of such packages sold by  
8 such stamping distributor. Payment of the tax shall be  
9 evidenced by a stamp or stamps affixed to each package of  
10 little cigars containing 20 or 25 little cigars.

11 Stamping distributors paying the tax to the Department on  
12 packages of little cigars containing 20 or 25 little cigars  
13 sold to other distributors, wholesalers or retailers shall add  
14 the amount of the tax to the price of the packages of little  
15 cigars containing 20 or 25 little cigars sold by such stamping  
16 distributors.

17 (d) Beginning on January 1, 2013, the tax rate imposed per  
18 ounce of moist snuff may not exceed 15% of the tax imposed upon  
19 a package of 20 cigarettes pursuant to the Cigarette Tax Act.

20 (e) All moneys received by the Department under this Act  
21 from sales occurring prior to July 1, 2012 shall be paid into  
22 the Long-Term Care Provider Fund of the State Treasury. Of the  
23 moneys received by the Department from sales occurring on or  
24 after July 1, 2012, except for moneys received from the tax  
25 imposed on the sale of little cigars, 50% shall be paid into  
26 the Long-Term Care Provider Fund and 50% shall be paid into the

1 Healthcare Provider Relief Fund. Beginning July 1, 2013, all  
2 moneys received by the Department under this Act from the tax  
3 imposed on little cigars shall be distributed as provided in  
4 subsection (a) of Section 2 of the Cigarette Tax Act.  
5 (Source: P.A. 101-31, eff. 6-28-19.)

6 Section 10-75. The Motor Vehicle Retail Installment Sales  
7 Act is amended by changing Section 11.1 as follows:

8 (815 ILCS 375/11.1) (from Ch. 121 1/2, par. 571.1)  
9 Sec. 11.1.

10 ~~(a)~~ A seller in a retail installment contract may add a  
11 "documentary fee" for processing documents and performing  
12 services related to closing of a sale. The maximum amount that  
13 may be charged by a seller for a documentary fee is the base  
14 documentary fee beginning January 1, 2008 ~~until January 1,~~  
15 ~~2020~~, of \$150~~7~~, which shall be subject to an annual rate  
16 adjustment equal to the percentage of change in the Bureau of  
17 Labor Statistics Consumer Price Index. Every retail  
18 installment contract under this Act shall contain or be  
19 accompanied by a notice containing the following information:

20 "DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE.  
21 A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO  
22 BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATED  
23 TO CLOSING OF A SALE. THE BASE DOCUMENTARY FEE BEGINNING  
24 JANUARY 1, 2008, WAS \$150. THE MAXIMUM AMOUNT THAT MAY BE



1 CHARGED FOR A DOCUMENTARY FEE IS THE BASE DOCUMENTARY FEE OF  
2 \$150<sup>7</sup>, WHICH SHALL BE SUBJECT TO AN ANNUAL RATE ADJUSTMENT EQUAL  
3 TO THE PERCENTAGE OF CHANGE IN THE BUREAU OF LABOR STATISTICS  
4 CONSUMER PRICE INDEX. THIS NOTICE IS REQUIRED BY LAW."

5 ~~(b) A seller in a retail installment contract may add a~~  
6 ~~"documentary fee" for processing documents and performing~~  
7 ~~services related to closing of a sale. The maximum amount that~~  
8 ~~may be charged by a seller for a documentary fee is the base~~  
9 ~~documentary fee beginning January 1, 2020, of \$300, which shall~~  
10 ~~be subject to an annual rate adjustment equal to the percentage~~  
11 ~~of change in the Bureau of Labor Statistics Consumer Price~~  
12 ~~Index. Every retail installment contract under this Act shall~~  
13 ~~contain or be accompanied by a notice containing the following~~  
14 ~~information:~~

15 ~~"DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE.~~  
16 ~~A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO~~  
17 ~~BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATED~~  
18 ~~TO CLOSING OF A SALE. THE BASE DOCUMENTARY FEE BEGINNING~~  
19 ~~JANUARY 1, 2020, WAS \$300. THE MAXIMUM AMOUNT THAT MAY BE~~  
20 ~~CHARGED FOR A DOCUMENTARY FEE IS THE BASE DOCUMENTARY FEE OF~~  
21 ~~\$300, WHICH SHALL BE SUBJECT TO AN ANNUAL RATE ADJUSTMENT EQUAL~~  
22 ~~TO THE PERCENTAGE OF CHANGE IN THE BUREAU OF LABOR STATISTICS~~  
23 ~~CONSUMER PRICE INDEX. THIS NOTICE IS REQUIRED BY LAW."~~

24 (Source: P.A. 101-31, eff. 6-28-19.)

25 (30 ILCS 559/Act rep.)

1 Section 10-100. The Illinois Works Jobs Program Act is  
2 repealed.

3 (30 ILCS 105/5.895 rep.)

4 Section 10-120. The State Finance Act is amended by  
5 repealing Section 5.895, as added by Public Act 101-31.

6 Section 10-125. The Illinois Procurement Code is amended by  
7 changing Section 20-10 as follows:

8 (30 ILCS 500/20-10)

9 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
10 98-1076, 99-906 and 100-43)

11 Sec. 20-10. Competitive sealed bidding; reverse auction.

12 (a) Conditions for use. All contracts shall be awarded by  
13 competitive sealed bidding except as otherwise provided in  
14 Section 20-5.

15 (b) Invitation for bids. An invitation for bids shall be  
16 issued and shall include a purchase description and the  
17 material contractual terms and conditions applicable to the  
18 procurement.

19 (c) Public notice. Public notice of the invitation for bids  
20 shall be published in the Illinois Procurement Bulletin at  
21 least 14 calendar days before the date set in the invitation  
22 for the opening of bids.

23 (d) Bid opening. Bids shall be opened publicly or through

1 an electronic procurement system in the presence of one or more  
2 witnesses at the time and place designated in the invitation  
3 for bids. The name of each bidder, ~~including earned and applied~~  
4 ~~bid credit from the Illinois Works Jobs Program Act,~~ the amount  
5 of each bid, and other relevant information as may be specified  
6 by rule shall be recorded. After the award of the contract, the  
7 winning bid and the record of each unsuccessful bid shall be  
8 open to public inspection.

9 (e) Bid acceptance and bid evaluation. Bids shall be  
10 unconditionally accepted without alteration or correction,  
11 except as authorized in this Code. Bids shall be evaluated  
12 based on the requirements set forth in the invitation for bids,  
13 which may include criteria to determine acceptability such as  
14 inspection, testing, quality, workmanship, delivery, and  
15 suitability for a particular purpose. Those criteria that will  
16 affect the bid price and be considered in evaluation for award,  
17 such as discounts, transportation costs, and total or life  
18 cycle costs, shall be objectively measurable. The invitation  
19 for bids shall set forth the evaluation criteria to be used.

20 (f) Correction or withdrawal of bids. Correction or  
21 withdrawal of inadvertently erroneous bids before or after  
22 award, or cancellation of awards of contracts based on bid  
23 mistakes, shall be permitted in accordance with rules. After  
24 bid opening, no changes in bid prices or other provisions of  
25 bids prejudicial to the interest of the State or fair  
26 competition shall be permitted. All decisions to permit the

1 correction or withdrawal of bids based on bid mistakes shall be  
2 supported by written determination made by a State purchasing  
3 officer.

4 (g) Award. The contract shall be awarded with reasonable  
5 promptness by written notice to the lowest responsible and  
6 responsive bidder whose bid meets the requirements and criteria  
7 set forth in the invitation for bids, except when a State  
8 purchasing officer determines it is not in the best interest of  
9 the State and by written explanation determines another bidder  
10 shall receive the award. The explanation shall appear in the  
11 appropriate volume of the Illinois Procurement Bulletin. The  
12 written explanation must include:

- 13 (1) a description of the agency's needs;
- 14 (2) a determination that the anticipated cost will be  
15 fair and reasonable;
- 16 (3) a listing of all responsible and responsive  
17 bidders; and
- 18 (4) the name of the bidder selected, the total contract  
19 price, and the reasons for selecting that bidder.

20 Each chief procurement officer may adopt guidelines to  
21 implement the requirements of this subsection (g).

22 The written explanation shall be filed with the Legislative  
23 Audit Commission and the Procurement Policy Board, and be made  
24 available for inspection by the public, within 30 calendar days  
25 after the agency's decision to award the contract.

26 (h) Multi-step sealed bidding. When it is considered

1 impracticable to initially prepare a purchase description to  
2 support an award based on price, an invitation for bids may be  
3 issued requesting the submission of unpriced offers to be  
4 followed by an invitation for bids limited to those bidders  
5 whose offers have been qualified under the criteria set forth  
6 in the first solicitation.

7 (i) Alternative procedures. Notwithstanding any other  
8 provision of this Act to the contrary, the Director of the  
9 Illinois Power Agency may create alternative bidding  
10 procedures to be used in procuring professional services under  
11 Section 1-56, subsections (a) and (c) of Section 1-75 and  
12 subsection (d) of Section 1-78 of the Illinois Power Agency Act  
13 and Section 16-111.5(c) of the Public Utilities Act and to  
14 procure renewable energy resources under Section 1-56 of the  
15 Illinois Power Agency Act. These alternative procedures shall  
16 be set forth together with the other criteria contained in the  
17 invitation for bids, and shall appear in the appropriate volume  
18 of the Illinois Procurement Bulletin.

19 (j) Reverse auction. Notwithstanding any other provision  
20 of this Section and in accordance with rules adopted by the  
21 chief procurement officer, that chief procurement officer may  
22 procure supplies or services through a competitive electronic  
23 auction bidding process after the chief procurement officer  
24 determines that the use of such a process will be in the best  
25 interest of the State. The chief procurement officer shall  
26 publish that determination in his or her next volume of the

1 Illinois Procurement Bulletin.

2 An invitation for bids shall be issued and shall include  
3 (i) a procurement description, (ii) all contractual terms,  
4 whenever practical, and (iii) conditions applicable to the  
5 procurement, including a notice that bids will be received in  
6 an electronic auction manner.

7 Public notice of the invitation for bids shall be given in  
8 the same manner as provided in subsection (c).

9 Bids shall be accepted electronically at the time and in  
10 the manner designated in the invitation for bids. During the  
11 auction, a bidder's price shall be disclosed to other bidders.  
12 Bidders shall have the opportunity to reduce their bid prices  
13 during the auction. At the conclusion of the auction, the  
14 record of the bid prices received and the name of each bidder  
15 shall be open to public inspection.

16 After the auction period has terminated, withdrawal of bids  
17 shall be permitted as provided in subsection (f).

18 The contract shall be awarded within 60 calendar days after  
19 the auction by written notice to the lowest responsible bidder,  
20 or all bids shall be rejected except as otherwise provided in  
21 this Code. Extensions of the date for the award may be made by  
22 mutual written consent of the State purchasing officer and the  
23 lowest responsible bidder.

24 This subsection does not apply to (i) procurements of  
25 professional and artistic services, (ii) telecommunications  
26 services, communication services, and information services,

1 and (iii) contracts for construction projects, including  
2 design professional services.

3 (Source: P.A. 99-906, eff. 6-1-17; 100-43, eff. 8-9-17; 101-31,  
4 eff. 6-28-19.)

5 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,  
6 98-1076, 99-906, and 100-43)

7 Sec. 20-10. Competitive sealed bidding; reverse auction.

8 (a) Conditions for use. All contracts shall be awarded by  
9 competitive sealed bidding except as otherwise provided in  
10 Section 20-5.

11 (b) Invitation for bids. An invitation for bids shall be  
12 issued and shall include a purchase description and the  
13 material contractual terms and conditions applicable to the  
14 procurement.

15 (c) Public notice. Public notice of the invitation for bids  
16 shall be published in the Illinois Procurement Bulletin at  
17 least 14 calendar days before the date set in the invitation  
18 for the opening of bids.

19 (d) Bid opening. Bids shall be opened publicly or through  
20 an electronic procurement system in the presence of one or more  
21 witnesses at the time and place designated in the invitation  
22 for bids. The name of each bidder, ~~including earned and applied~~  
23 ~~bid credit from the Illinois Works Jobs Program Act,~~ the amount  
24 of each bid, and other relevant information as may be specified  
25 by rule shall be recorded. After the award of the contract, the

1 winning bid and the record of each unsuccessful bid shall be  
2 open to public inspection.

3 (e) Bid acceptance and bid evaluation. Bids shall be  
4 unconditionally accepted without alteration or correction,  
5 except as authorized in this Code. Bids shall be evaluated  
6 based on the requirements set forth in the invitation for bids,  
7 which may include criteria to determine acceptability such as  
8 inspection, testing, quality, workmanship, delivery, and  
9 suitability for a particular purpose. Those criteria that will  
10 affect the bid price and be considered in evaluation for award,  
11 such as discounts, transportation costs, and total or life  
12 cycle costs, shall be objectively measurable. The invitation  
13 for bids shall set forth the evaluation criteria to be used.

14 (f) Correction or withdrawal of bids. Correction or  
15 withdrawal of inadvertently erroneous bids before or after  
16 award, or cancellation of awards of contracts based on bid  
17 mistakes, shall be permitted in accordance with rules. After  
18 bid opening, no changes in bid prices or other provisions of  
19 bids prejudicial to the interest of the State or fair  
20 competition shall be permitted. All decisions to permit the  
21 correction or withdrawal of bids based on bid mistakes shall be  
22 supported by written determination made by a State purchasing  
23 officer.

24 (g) Award. The contract shall be awarded with reasonable  
25 promptness by written notice to the lowest responsible and  
26 responsive bidder whose bid meets the requirements and criteria



1 set forth in the invitation for bids, except when a State  
2 purchasing officer determines it is not in the best interest of  
3 the State and by written explanation determines another bidder  
4 shall receive the award. The explanation shall appear in the  
5 appropriate volume of the Illinois Procurement Bulletin. The  
6 written explanation must include:

7 (1) a description of the agency's needs;

8 (2) a determination that the anticipated cost will be  
9 fair and reasonable;

10 (3) a listing of all responsible and responsive  
11 bidders; and

12 (4) the name of the bidder selected, the total contract  
13 price, and the reasons for selecting that bidder.

14 Each chief procurement officer may adopt guidelines to  
15 implement the requirements of this subsection (g).

16 The written explanation shall be filed with the Legislative  
17 Audit Commission and the Procurement Policy Board, and be made  
18 available for inspection by the public, within 30 days after  
19 the agency's decision to award the contract.

20 (h) Multi-step sealed bidding. When it is considered  
21 impracticable to initially prepare a purchase description to  
22 support an award based on price, an invitation for bids may be  
23 issued requesting the submission of unpriced offers to be  
24 followed by an invitation for bids limited to those bidders  
25 whose offers have been qualified under the criteria set forth  
26 in the first solicitation.

1           (i) Alternative procedures. Notwithstanding any other  
2 provision of this Act to the contrary, the Director of the  
3 Illinois Power Agency may create alternative bidding  
4 procedures to be used in procuring professional services under  
5 subsections (a) and (c) of Section 1-75 and subsection (d) of  
6 Section 1-78 of the Illinois Power Agency Act and Section  
7 16-111.5(c) of the Public Utilities Act and to procure  
8 renewable energy resources under Section 1-56 of the Illinois  
9 Power Agency Act. These alternative procedures shall be set  
10 forth together with the other criteria contained in the  
11 invitation for bids, and shall appear in the appropriate volume  
12 of the Illinois Procurement Bulletin.

13           (j) Reverse auction. Notwithstanding any other provision  
14 of this Section and in accordance with rules adopted by the  
15 chief procurement officer, that chief procurement officer may  
16 procure supplies or services through a competitive electronic  
17 auction bidding process after the chief procurement officer  
18 determines that the use of such a process will be in the best  
19 interest of the State. The chief procurement officer shall  
20 publish that determination in his or her next volume of the  
21 Illinois Procurement Bulletin.

22           An invitation for bids shall be issued and shall include  
23 (i) a procurement description, (ii) all contractual terms,  
24 whenever practical, and (iii) conditions applicable to the  
25 procurement, including a notice that bids will be received in  
26 an electronic auction manner.

1 Public notice of the invitation for bids shall be given in  
2 the same manner as provided in subsection (c).

3 Bids shall be accepted electronically at the time and in  
4 the manner designated in the invitation for bids. During the  
5 auction, a bidder's price shall be disclosed to other bidders.  
6 Bidders shall have the opportunity to reduce their bid prices  
7 during the auction. At the conclusion of the auction, the  
8 record of the bid prices received and the name of each bidder  
9 shall be open to public inspection.

10 After the auction period has terminated, withdrawal of bids  
11 shall be permitted as provided in subsection (f).

12 The contract shall be awarded within 60 calendar days after  
13 the auction by written notice to the lowest responsible bidder,  
14 or all bids shall be rejected except as otherwise provided in  
15 this Code. Extensions of the date for the award may be made by  
16 mutual written consent of the State purchasing officer and the  
17 lowest responsible bidder.

18 This subsection does not apply to (i) procurements of  
19 professional and artistic services, (ii) telecommunications  
20 services, communication services, and information services,  
21 and (iii) contracts for construction projects, including  
22 design professional services.

23 (Source: P.A. 99-906, eff. 6-1-17; 100-43, eff. 8-9-17; 101-31,  
24 eff. 6-28-19.)

25 Section 10-130. The Prevailing Wage Act is amended by

1 changing Section 5 as follows:

2 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

3 Sec. 5. Certified payroll.

4 (a) Any contractor and each subcontractor who participates  
5 in public works shall:

6 (1) make and keep, for a period of not less than 3  
7 years from the date of the last payment made before January  
8 1, 2014 (the effective date of Public Act 98-328) and for a  
9 period of 5 years from the date of the last payment made on  
10 or after January 1, 2014 (the effective date of Public Act  
11 98-328) on a contract or subcontract for public works,  
12 records of all laborers, mechanics, and other workers  
13 employed by them on the project; the records shall include  
14 (i) the worker's name, (ii) the worker's address, (iii) the  
15 worker's telephone number when available, (iv) the last 4  
16 digits of the worker's social security number, (v) the  
17 worker's gender, (vi) the worker's race, (vii) the worker's  
18 ethnicity, (viii) veteran status, (ix) the worker's  
19 classification or classifications, ~~(x) the worker's skill~~  
20 ~~level, such as apprentice or journeyman,~~ ~~(xi)~~ (x) the  
21 worker's gross and net wages paid in each pay period, ~~(xii)~~  
22 (xi) the worker's number of hours worked each day, ~~(xiii)~~  
23 (xii) the worker's starting and ending times of work each  
24 day, ~~(xiv)~~ (xiii) the worker's hourly wage rate, ~~(xv)~~ (xiv)  
25 the worker's hourly overtime wage rate, ~~(xvi)~~ (xv) the

1 worker's hourly fringe benefit rates, ~~(xvii)~~ (xvi) the name  
2 and address of each fringe benefit fund, ~~(xviii)~~ (xvii) the  
3 plan sponsor of each fringe benefit, if applicable, and  
4 ~~(xix)~~ (xviii) the plan administrator of each fringe  
5 benefit, if applicable; and

6 (2) no later than the 15th day of each calendar month  
7 file a certified payroll for the immediately preceding  
8 month with the public body in charge of the project until  
9 the Department of Labor activates the database created  
10 under Section 5.1 at which time certified payroll shall  
11 only be submitted to that database, except for projects  
12 done by State agencies that opt to have contractors submit  
13 certified payrolls directly to that State agency. A State  
14 agency that opts to directly receive certified payrolls  
15 must submit the required information in a specified  
16 electronic format to the Department of Labor no later than  
17 10 days after the certified payroll was filed with the  
18 State agency. A certified payroll must be filed for only  
19 those calendar months during which construction on a public  
20 works project has occurred. The certified payroll shall  
21 consist of a complete copy of the records identified in  
22 paragraph (1) of this subsection (a), but may exclude the  
23 starting and ending times of work each day. The certified  
24 payroll shall be accompanied by a statement signed by the  
25 contractor or subcontractor or an officer, employee, or  
26 agent of the contractor or subcontractor which avers that:

1 (i) he or she has examined the certified payroll records  
2 required to be submitted by the Act and such records are  
3 true and accurate; (ii) the hourly rate paid to each worker  
4 is not less than the general prevailing rate of hourly  
5 wages required by this Act; and (iii) the contractor or  
6 subcontractor is aware that filing a certified payroll that  
7 he or she knows to be false is a Class A misdemeanor. A  
8 general contractor is not prohibited from relying on the  
9 certification of a lower tier subcontractor, provided the  
10 general contractor does not knowingly rely upon a  
11 subcontractor's false certification. Any contractor or  
12 subcontractor subject to this Act and any officer,  
13 employee, or agent of such contractor or subcontractor  
14 whose duty as such officer, employee, or agent it is to  
15 file such certified payroll who willfully fails to file  
16 such a certified payroll on or before the date such  
17 certified payroll is required by this paragraph to be filed  
18 and any person who willfully files a false certified  
19 payroll that is false as to any material fact is in  
20 violation of this Act and guilty of a Class A misdemeanor.  
21 The public body in charge of the project shall keep the  
22 records submitted in accordance with this paragraph (2) of  
23 subsection (a) before January 1, 2014 (the effective date  
24 of Public Act 98-328) for a period of not less than 3  
25 years, and the records submitted in accordance with this  
26 paragraph (2) of subsection (a) on or after January 1, 2014

1 (the effective date of Public Act 98-328) for a period of 5  
2 years, from the date of the last payment for work on a  
3 contract or subcontract for public works or until the  
4 Department of Labor activates the database created under  
5 Section 5.1, whichever is less. After the activation of the  
6 database created under Section 5.1, the Department of Labor  
7 rather than the public body in charge of the project shall  
8 keep the records and maintain the database. The records  
9 submitted in accordance with this paragraph (2) of  
10 subsection (a) shall be considered public records, except  
11 an employee's address, telephone number, social security  
12 number, race, ethnicity, and gender, and made available in  
13 accordance with the Freedom of Information Act. The public  
14 body shall accept any reasonable submissions by the  
15 contractor that meet the requirements of this Section.

16 A contractor, subcontractor, or public body may retain  
17 records required under this Section in paper or electronic  
18 format.

19 (b) Upon 7 business days' notice, the contractor and each  
20 subcontractor shall make available for inspection and copying  
21 at a location within this State during reasonable hours, the  
22 records identified in paragraph (1) of subsection (a) of this  
23 Section to the public body in charge of the project, its  
24 officers and agents, the Director of Labor and his deputies and  
25 agents, and to federal, State, or local law enforcement  
26 agencies and prosecutors.

1           (c) A contractor or subcontractor who remits contributions  
2 to fringe benefit funds that are jointly maintained and jointly  
3 governed by one or more employers and one or more labor  
4 organizations in accordance with the federal Labor Management  
5 Relations Act shall make and keep certified payroll records  
6 that include the information required under items (i) through  
7 (viii) of paragraph (1) of subsection (a) only. However, the  
8 information required under items (ix) through ~~(xv)~~ (xiv) of  
9 paragraph (1) of subsection (a) shall be required for any  
10 contractor or subcontractor who remits contributions to a  
11 fringe benefit fund that is not jointly maintained and jointly  
12 governed by one or more employers and one or more labor  
13 organizations in accordance with the federal Labor Management  
14 Relations Act.

15       (Source: P.A. 101-31, eff. 6-28-19.)

16           (230 ILCS 45/Act rep.)

17       Section 10-200. The Sports Wagering Act is repealed.

18           (30 ILCS 105/5.896 rep.)

19       Section 10-210. The State Finance Act is amended by  
20 repealing Section 5.896, as added by Public Act 101-31.

21       Section 10-215. The Illinois Gambling Act is amended by  
22 changing Section 13 as follows:



1 (230 ILCS 10/13) (from Ch. 120, par. 2413)

2 Sec. 13. Wagering tax; rate; distribution.

3 (a) Until January 1, 1998, a tax is imposed on the adjusted  
4 gross receipts received from gambling games authorized under  
5 this Act at the rate of 20%.

6 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
7 tax is imposed on persons engaged in the business of conducting  
8 riverboat gambling operations, based on the adjusted gross  
9 receipts received by a licensed owner from gambling games  
10 authorized under this Act at the following rates:

11 15% of annual adjusted gross receipts up to and  
12 including \$25,000,000;

13 20% of annual adjusted gross receipts in excess of  
14 \$25,000,000 but not exceeding \$50,000,000;

15 25% of annual adjusted gross receipts in excess of  
16 \$50,000,000 but not exceeding \$75,000,000;

17 30% of annual adjusted gross receipts in excess of  
18 \$75,000,000 but not exceeding \$100,000,000;

19 35% of annual adjusted gross receipts in excess of  
20 \$100,000,000.

21 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
22 is imposed on persons engaged in the business of conducting  
23 riverboat gambling operations, other than licensed managers  
24 conducting riverboat gambling operations on behalf of the  
25 State, based on the adjusted gross receipts received by a  
26 licensed owner from gambling games authorized under this Act at

1 the following rates:

2 15% of annual adjusted gross receipts up to and  
3 including \$25,000,000;

4 22.5% of annual adjusted gross receipts in excess of  
5 \$25,000,000 but not exceeding \$50,000,000;

6 27.5% of annual adjusted gross receipts in excess of  
7 \$50,000,000 but not exceeding \$75,000,000;

8 32.5% of annual adjusted gross receipts in excess of  
9 \$75,000,000 but not exceeding \$100,000,000;

10 37.5% of annual adjusted gross receipts in excess of  
11 \$100,000,000 but not exceeding \$150,000,000;

12 45% of annual adjusted gross receipts in excess of  
13 \$150,000,000 but not exceeding \$200,000,000;

14 50% of annual adjusted gross receipts in excess of  
15 \$200,000,000.

16 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
17 persons engaged in the business of conducting riverboat  
18 gambling operations, other than licensed managers conducting  
19 riverboat gambling operations on behalf of the State, based on  
20 the adjusted gross receipts received by a licensed owner from  
21 gambling games authorized under this Act at the following  
22 rates:

23 15% of annual adjusted gross receipts up to and  
24 including \$25,000,000;

25 27.5% of annual adjusted gross receipts in excess of  
26 \$25,000,000 but not exceeding \$37,500,000;

1           32.5% of annual adjusted gross receipts in excess of  
2           \$37,500,000 but not exceeding \$50,000,000;

3           37.5% of annual adjusted gross receipts in excess of  
4           \$50,000,000 but not exceeding \$75,000,000;

5           45% of annual adjusted gross receipts in excess of  
6           \$75,000,000 but not exceeding \$100,000,000;

7           50% of annual adjusted gross receipts in excess of  
8           \$100,000,000 but not exceeding \$250,000,000;

9           70% of annual adjusted gross receipts in excess of  
10          \$250,000,000.

11          An amount equal to the amount of wagering taxes collected  
12          under this subsection (a-3) that are in addition to the amount  
13          of wagering taxes that would have been collected if the  
14          wagering tax rates under subsection (a-2) were in effect shall  
15          be paid into the Common School Fund.

16          The privilege tax imposed under this subsection (a-3) shall  
17          no longer be imposed beginning on the earlier of (i) July 1,  
18          2005; (ii) the first date after June 20, 2003 that riverboat  
19          gambling operations are conducted pursuant to a dormant  
20          license; or (iii) the first day that riverboat gambling  
21          operations are conducted under the authority of an owners  
22          license that is in addition to the 10 owners licenses initially  
23          authorized under this Act. For the purposes of this subsection  
24          (a-3), the term "dormant license" means an owners license that  
25          is authorized by this Act under which no riverboat gambling  
26          operations are being conducted on June 20, 2003.

1 (a-4) Beginning on the first day on which the tax imposed  
2 under subsection (a-3) is no longer imposed ~~and ending upon the~~  
3 ~~imposition of the privilege tax under subsection (a-5) of this~~  
4 ~~Section~~, a privilege tax is imposed on persons engaged in the  
5 business of conducting gambling operations, other than  
6 licensed managers conducting riverboat gambling operations on  
7 behalf of the State, based on the adjusted gross receipts  
8 received by a licensed owner from gambling games authorized  
9 under this Act at the following rates:

10 15% of annual adjusted gross receipts up to and  
11 including \$25,000,000;

12 22.5% of annual adjusted gross receipts in excess of  
13 \$25,000,000 but not exceeding \$50,000,000;

14 27.5% of annual adjusted gross receipts in excess of  
15 \$50,000,000 but not exceeding \$75,000,000;

16 32.5% of annual adjusted gross receipts in excess of  
17 \$75,000,000 but not exceeding \$100,000,000;

18 37.5% of annual adjusted gross receipts in excess of  
19 \$100,000,000 but not exceeding \$150,000,000;

20 45% of annual adjusted gross receipts in excess of  
21 \$150,000,000 but not exceeding \$200,000,000;

22 50% of annual adjusted gross receipts in excess of  
23 \$200,000,000.

24 ~~For the imposition of the privilege tax in this subsection~~  
25 ~~(a-4), amounts paid pursuant to item (1) of subsection (b) of~~  
26 ~~Section 56 of the Illinois Horse Racing Act of 1975 shall not~~

1 ~~be included in the determination of adjusted gross receipts.~~

2 ~~(a-5) Beginning on the first day that an owners licensee~~  
3 ~~under paragraph (1), (2), (3), (4), (5), or (6) of subsection~~  
4 ~~(c-5) of Section 7 conducts gambling operations, either in a~~  
5 ~~temporary facility or a permanent facility, a privilege tax is~~  
6 ~~imposed on persons engaged in the business of conducting~~  
7 ~~gambling operations, other than licensed managers conducting~~  
8 ~~riverboat gambling operations on behalf of the State, based on~~  
9 ~~the adjusted gross receipts received by such licensee from the~~  
10 ~~gambling games authorized under this Act. The privilege tax for~~  
11 ~~all gambling games other than table games, including, but not~~  
12 ~~limited to, slot machines, video game of chance gambling, and~~  
13 ~~electronic gambling games shall be at the following rates:~~

14 ~~15% of annual adjusted gross receipts up to and~~  
15 ~~including \$25,000,000;~~

16 ~~22.5% of annual adjusted gross receipts in excess of~~  
17 ~~\$25,000,000 but not exceeding \$50,000,000;~~

18 ~~27.5% of annual adjusted gross receipts in excess of~~  
19 ~~\$50,000,000 but not exceeding \$75,000,000;~~

20 ~~32.5% of annual adjusted gross receipts in excess of~~  
21 ~~\$75,000,000 but not exceeding \$100,000,000;~~

22 ~~37.5% of annual adjusted gross receipts in excess of~~  
23 ~~\$100,000,000 but not exceeding \$150,000,000;~~

24 ~~45% of annual adjusted gross receipts in excess of~~  
25 ~~\$150,000,000 but not exceeding \$200,000,000;~~

26 ~~50% of annual adjusted gross receipts in excess of~~

1       ~~\$200,000,000.~~

2       ~~The privilege tax for table games shall be at the following~~  
3 ~~rates:~~

4           ~~15% of annual adjusted gross receipts up to and~~  
5 ~~including \$25,000,000;~~

6           ~~20% of annual adjusted gross receipts in excess of~~  
7 ~~\$25,000,000.~~

8       ~~For the imposition of the privilege tax in this subsection~~  
9 ~~(a-5), amounts paid pursuant to item (1) of subsection (b) of~~  
10 ~~Section 56 of the Illinois Horse Racing Act of 1975 shall not~~  
11 ~~be included in the determination of adjusted gross receipts.~~

12       ~~Notwithstanding the provisions of this subsection (a-5),~~  
13 ~~for the first 10 years that the privilege tax is imposed under~~  
14 ~~this subsection (a-5), the privilege tax shall be imposed on~~  
15 ~~the modified annual adjusted gross receipts of a riverboat or~~  
16 ~~casino conducting gambling operations in the City of East St.~~  
17 ~~Louis, unless:~~

18           ~~(1) the riverboat or casino fails to employ at least~~  
19 ~~450 people;~~

20           ~~(2) the riverboat or casino fails to maintain~~  
21 ~~operations in a manner consistent with this Act or is not a~~  
22 ~~viable riverboat or casino subject to the approval of the~~  
23 ~~Board; or~~

24           ~~(3) the owners licensee is not an entity in which~~  
25 ~~employees participate in an employee stock ownership plan.~~

26       ~~As used in this subsection (a-5), "modified annual adjusted~~

1 ~~gross receipts" means:~~

2 ~~(A) for calendar year 2020, the annual adjusted gross~~  
3 ~~receipts for the current year minus the difference between~~  
4 ~~an amount equal to the average annual adjusted gross~~  
5 ~~receipts from a riverboat or casino conducting gambling~~  
6 ~~operations in the City of East St. Louis for 2014, 2015,~~  
7 ~~2016, 2017, and 2018 and the annual adjusted gross receipts~~  
8 ~~for 2018;~~

9 ~~(B) for calendar year 2021, the annual adjusted gross~~  
10 ~~receipts for the current year minus the difference between~~  
11 ~~an amount equal to the average annual adjusted gross~~  
12 ~~receipts from a riverboat or casino conducting gambling~~  
13 ~~operations in the City of East St. Louis for 2014, 2015,~~  
14 ~~2016, 2017, and 2018 and the annual adjusted gross receipts~~  
15 ~~for 2019; and~~

16 ~~(C) for calendar years 2022 through 2029, the annual~~  
17 ~~adjusted gross receipts for the current year minus the~~  
18 ~~difference between an amount equal to the average annual~~  
19 ~~adjusted gross receipts from a riverboat or casino~~  
20 ~~conducting gambling operations in the City of East St.~~  
21 ~~Louis for 3 years preceding the current year and the annual~~  
22 ~~adjusted gross receipts for the immediately preceding~~  
23 ~~year.~~

24 ~~(a-5.5) In addition to the privilege tax imposed under~~  
25 ~~subsection (a-5), a privilege tax is imposed on the owners~~  
26 ~~licensee under paragraph (1) of subsection (c-5) of Section 7~~

1 ~~at the rate of one-third of the owners licensee's adjusted~~  
2 ~~gross receipts.~~

3 ~~For the imposition of the privilege tax in this subsection~~  
4 ~~(a-5.5), amounts paid pursuant to item (1) of subsection (b) of~~  
5 ~~Section 56 of the Illinois Horse Racing Act of 1975 shall not~~  
6 ~~be included in the determination of adjusted gross receipts.~~

7 ~~(a-6) From the effective date of this amendatory Act of the~~  
8 ~~101st General Assembly until June 30, 2023, an owners licensee~~  
9 ~~that conducted gambling operations prior to January 1, 2011~~  
10 ~~shall receive a dollar for dollar credit against the tax~~  
11 ~~imposed under this Section for any renovation or construction~~  
12 ~~costs paid by the owners licensee, but in no event shall the~~  
13 ~~credit exceed \$2,000,000.~~

14 ~~Additionally, from the effective date of this amendatory~~  
15 ~~Act of the 101st General Assembly until December 31, 2022, an~~  
16 ~~owners licensee that (i) is located within 15 miles of the~~  
17 ~~Missouri border, and (ii) has at least 3 riverboats, casinos,~~  
18 ~~or their equivalent within a 45 mile radius, may be authorized~~  
19 ~~to relocate to a new location with the approval of both the~~  
20 ~~unit of local government designated as the home dock and the~~  
21 ~~Board, so long as the new location is within the same unit of~~  
22 ~~local government and no more than 3 miles away from its~~  
23 ~~original location. Such owners licensee shall receive a credit~~  
24 ~~against the tax imposed under this Section equal to 8% of the~~  
25 ~~total project costs, as approved by the Board, for any~~  
26 ~~renovation or construction costs paid by the owners licensee~~



1 ~~for the construction of the new facility, provided that the new~~  
2 ~~facility is operational by July 1, 2022. In determining whether~~  
3 ~~or not to approve a relocation, the Board must consider the~~  
4 ~~extent to which the relocation will diminish the gaming~~  
5 ~~revenues received by other Illinois gaming facilities.~~

6 ~~(a 7) Beginning in the initial adjustment year and through~~  
7 ~~the final adjustment year, if the total obligation imposed~~  
8 ~~pursuant to either subsection (a 5) or (a 6) will result in an~~  
9 ~~owners licensee receiving less after tax adjusted gross~~  
10 ~~receipts than it received in calendar year 2018, then the total~~  
11 ~~amount of privilege taxes that the owners licensee is required~~  
12 ~~to pay for that calendar year shall be reduced to the extent~~  
13 ~~necessary so that the after tax adjusted gross receipts in that~~  
14 ~~calendar year equals the after tax adjusted gross receipts in~~  
15 ~~calendar year 2018, but the privilege tax reduction shall not~~  
16 ~~exceed the annual adjustment cap. If pursuant to this~~  
17 ~~subsection (a 7), the total obligation imposed pursuant to~~  
18 ~~either subsection (a 5) or (a 6) shall be reduced, then the~~  
19 ~~owners licensee shall not receive a refund from the State at~~  
20 ~~the end of the subject calendar year but instead shall be able~~  
21 ~~to apply that amount as a credit against any payments it owes~~  
22 ~~to the State in the following calendar year to satisfy its~~  
23 ~~total obligation under either subsection (a 5) or (a 6). The~~  
24 ~~credit for the final adjustment year shall occur in the~~  
25 ~~calendar year following the final adjustment year.~~

26 ~~If an owners licensee that conducted gambling operations~~

1 ~~prior to January 1, 2019 expands its riverboat or casino,~~  
2 ~~including, but not limited to, with respect to its gaming~~  
3 ~~floor, additional non gaming amenities such as restaurants,~~  
4 ~~bars, and hotels and other additional facilities, and incurs~~  
5 ~~construction and other costs related to such expansion from the~~  
6 ~~effective date of this amendatory Act of the 101st General~~  
7 ~~Assembly until the 5th anniversary of the effective date of~~  
8 ~~this amendatory Act of the 101st General Assembly, then for~~  
9 ~~each \$15,000,000 spent for any such construction or other costs~~  
10 ~~related to expansion paid by the owners licensee, the final~~  
11 ~~adjustment year shall be extended by one year and the annual~~  
12 ~~adjustment cap shall increase by 0.2% of adjusted gross~~  
13 ~~receipts during each calendar year until and including the~~  
14 ~~final adjustment year. No further modifications to the final~~  
15 ~~adjustment year or annual adjustment cap shall be made after~~  
16 ~~\$75,000,000 is incurred in construction or other costs related~~  
17 ~~to expansion so that the final adjustment year shall not extend~~  
18 ~~beyond the 9th calendar year after the initial adjustment year,~~  
19 ~~not including the initial adjustment year, and the annual~~  
20 ~~adjustment cap shall not exceed 4% of adjusted gross receipts~~  
21 ~~in a particular calendar year. Construction and other costs~~  
22 ~~related to expansion shall include all project related costs,~~  
23 ~~including, but not limited to, all hard and soft costs,~~  
24 ~~financing costs, on or off site ground, road or utility work,~~  
25 ~~cost of gaming equipment and all other personal property,~~  
26 ~~initial fees assessed for each incremental gaming position, and~~

1 ~~the cost of incremental land acquired for such expansion. Soft~~  
2 ~~costs shall include, but not be limited to, legal fees,~~  
3 ~~architect, engineering and design costs, other consultant~~  
4 ~~costs, insurance cost, permitting costs, and pre-opening costs~~  
5 ~~related to the expansion, including, but not limited to, any of~~  
6 ~~the following: marketing, real estate taxes, personnel,~~  
7 ~~training, travel and out of pocket expenses, supply,~~  
8 ~~inventory, and other costs, and any other project related soft~~  
9 ~~costs.~~

10 ~~To be eligible for the tax credits in subsection (a 6), all~~  
11 ~~construction contracts shall include a requirement that the~~  
12 ~~contractor enter into a project labor agreement with the~~  
13 ~~building and construction trades council with geographic~~  
14 ~~jurisdiction of the location of the proposed gaming facility.~~

15 ~~Notwithstanding any other provision of this subsection~~  
16 ~~(a 7), this subsection (a 7) does not apply to an owners~~  
17 ~~licensee unless such owners licensee spends at least~~  
18 ~~\$15,000,000 on construction and other costs related to its~~  
19 ~~expansion, excluding the initial fees assessed for each~~  
20 ~~incremental gaming position.~~

21 ~~This subsection (a 7) does not apply to owners licensees~~  
22 ~~authorized pursuant to subsection (c 5) of Section 7 of this~~  
23 ~~Act.~~

24 ~~For purposes of this subsection (a 7):~~

25 ~~"Building and construction trades council" means any~~  
26 ~~organization representing multiple construction entities that~~

1 ~~are monitoring or attentive to compliance with public or~~  
2 ~~workers' safety laws, wage and hour requirements, or other~~  
3 ~~statutory requirements or that are making or maintaining~~  
4 ~~collective bargaining agreements.~~

5 ~~"Initial adjustment year" means the year commencing on~~  
6 ~~January 1 of the calendar year immediately following the~~  
7 ~~earlier of the following:~~

8 ~~(1) the commencement of gambling operations, either in~~  
9 ~~a temporary or permanent facility, with respect to the~~  
10 ~~owners license authorized under paragraph (1) of~~  
11 ~~subsection (c-5) of Section 7 of this Act; or~~

12 ~~(2) 24 months after the effective date of this~~  
13 ~~amendatory Act of the 101st General Assembly, provided the~~  
14 ~~initial adjustment year shall not commence earlier than 12~~  
15 ~~months after the effective date of this amendatory Act of~~  
16 ~~the 101st General Assembly.~~

17 ~~"Final adjustment year" means the 2nd calendar year after~~  
18 ~~the initial adjustment year, not including the initial~~  
19 ~~adjustment year, and as may be extended further as described in~~  
20 ~~this subsection (a-7).~~

21 ~~"Annual adjustment cap" means 3% of adjusted gross receipts~~  
22 ~~in a particular calendar year, and as may be increased further~~  
23 ~~as otherwise described in this subsection (a-7).~~

24 (a-8) Riverboat gambling operations conducted by a  
25 licensed manager on behalf of the State are not subject to the  
26 tax imposed under this Section.

1       ~~(a-9) Beginning on January 1, 2020, the calculation of~~  
2 ~~gross receipts or adjusted gross receipts, for the purposes of~~  
3 ~~this Section, for a riverboat, a casino, or an organization~~  
4 ~~gaming facility shall not include the dollar amount of~~  
5 ~~non cashable vouchers, coupons, and electronic promotions~~  
6 ~~redeemed by wagerers upon the riverboat, in the casino, or in~~  
7 ~~the organization gaming facility up to and including an amount~~  
8 ~~not to exceed 20% of a riverboat's, a casino's, or an~~  
9 ~~organization gaming facility's adjusted gross receipts.~~

10       ~~The Illinois Gaming Board shall submit to the General~~  
11 ~~Assembly a comprehensive report no later than March 31, 2023~~  
12 ~~detailing, at a minimum, the effect of removing non cashable~~  
13 ~~vouchers, coupons, and electronic promotions from this~~  
14 ~~calculation on net gaming revenues to the State in calendar~~  
15 ~~years 2020 through 2022, the increase or reduction in wagerers~~  
16 ~~as a result of removing non cashable vouchers, coupons, and~~  
17 ~~electronic promotions from this calculation, the effect of the~~  
18 ~~tax rates in subsection (a-5) on net gaming revenues to this~~  
19 ~~State, and proposed modifications to the calculation.~~

20       (a-10) The taxes imposed by this Section shall be paid by  
21 the licensed owner ~~or the organization gaming licensee~~ to the  
22 Board not later than 5:00 o'clock p.m. of the day after the day  
23 when the wagers were made.

24       (a-15) If the privilege tax imposed under subsection (a-3)  
25 is no longer imposed pursuant to item (i) of the last paragraph  
26 of subsection (a-3), then by June 15 of each year, each owners

1 licensee, other than an owners licensee that admitted 1,000,000  
2 persons or fewer in calendar year 2004, must, in addition to  
3 the payment of all amounts otherwise due under this Section,  
4 pay to the Board a reconciliation payment in the amount, if  
5 any, by which the licensed owner's base amount exceeds the  
6 amount of net privilege tax paid by the licensed owner to the  
7 Board in the then current State fiscal year. A licensed owner's  
8 net privilege tax obligation due for the balance of the State  
9 fiscal year shall be reduced up to the total of the amount paid  
10 by the licensed owner in its June 15 reconciliation payment.  
11 The obligation imposed by this subsection (a-15) is binding on  
12 any person, firm, corporation, or other entity that acquires an  
13 ownership interest in any such owners license. The obligation  
14 imposed under this subsection (a-15) terminates on the earliest  
15 of: (i) July 1, 2007, (ii) the first day after the effective  
16 date of this amendatory Act of the 94th General Assembly that  
17 riverboat gambling operations are conducted pursuant to a  
18 dormant license, (iii) the first day that riverboat gambling  
19 operations are conducted under the authority of an owners  
20 license that is in addition to the 10 owners licenses initially  
21 authorized under this Act, or (iv) the first day that a  
22 licensee under the Illinois Horse Racing Act of 1975 conducts  
23 gaming operations with slot machines or other electronic gaming  
24 devices. The Board must reduce the obligation imposed under  
25 this subsection (a-15) by an amount the Board deems reasonable  
26 for any of the following reasons: (A) an act or acts of God,

1 (B) an act of bioterrorism or terrorism or a bioterrorism or  
2 terrorism threat that was investigated by a law enforcement  
3 agency, or (C) a condition beyond the control of the owners  
4 licensee that does not result from any act or omission by the  
5 owners licensee or any of its agents and that poses a hazardous  
6 threat to the health and safety of patrons. If an owners  
7 licensee pays an amount in excess of its liability under this  
8 Section, the Board shall apply the overpayment to future  
9 payments required under this Section.

10 For purposes of this subsection (a-15):

11 "Act of God" means an incident caused by the operation of  
12 an extraordinary force that cannot be foreseen, that cannot be  
13 avoided by the exercise of due care, and for which no person  
14 can be held liable.

15 "Base amount" means the following:

16 For a riverboat in Alton, \$31,000,000.

17 For a riverboat in East Peoria, \$43,000,000.

18 For the Empress riverboat in Joliet, \$86,000,000.

19 For a riverboat in Metropolis, \$45,000,000.

20 For the Harrah's riverboat in Joliet, \$114,000,000.

21 For a riverboat in Aurora, \$86,000,000.

22 For a riverboat in East St. Louis, \$48,500,000.

23 For a riverboat in Elgin, \$198,000,000.

24 "Dormant license" has the meaning ascribed to it in  
25 subsection (a-3).

26 "Net privilege tax" means all privilege taxes paid by a

1 licensed owner to the Board under this Section, less all  
2 payments made from the State Gaming Fund pursuant to subsection  
3 (b) of this Section.

4 The changes made to this subsection (a-15) by Public Act  
5 94-839 are intended to restate and clarify the intent of Public  
6 Act 94-673 with respect to the amount of the payments required  
7 to be made under this subsection by an owners licensee to the  
8 Board.

9 (b) ~~From~~ Until January 1, 1998, 25% of the tax revenue  
10 deposited in the State Gaming Fund under this Section shall be  
11 paid, subject to appropriation by the General Assembly, to the  
12 unit of local government which is designated as the home dock  
13 of the riverboat. Beginning January 1, 1998, from the tax  
14 revenue ~~from riverboat or casino gambling~~ deposited in the  
15 State Gaming Fund under this Section, an amount equal to 5% of  
16 adjusted gross receipts generated by a riverboat ~~or a casino,~~  
17 ~~other than a riverboat or casino designated in paragraph (1),~~  
18 ~~(3), or (4) of subsection (e 5) of Section 7,~~ shall be paid  
19 monthly, subject to appropriation by the General Assembly, to  
20 the unit of local government ~~in which the casino is located or~~  
21 that is designated as the home dock of the riverboat.  
22 ~~Notwithstanding anything to the contrary, beginning on the~~  
23 ~~first day that an owners licensee under paragraph (1), (2),~~  
24 ~~(3), (4), (5), or (6) of subsection (e 5) of Section 7 conducts~~  
25 ~~gambling operations, either in a temporary facility or a~~  
26 ~~permanent facility, and for 2 years thereafter, a unit of local~~



1 ~~government designated as the home dock of a riverboat whose~~  
2 ~~license was issued before January 1, 2019, other than a~~  
3 ~~riverboat conducting gambling operations in the City of East~~  
4 ~~St. Louis, shall not receive less under this subsection (b)~~  
5 ~~than the amount the unit of local government received under~~  
6 ~~this subsection (b) in calendar year 2018. Notwithstanding~~  
7 ~~anything to the contrary and because the City of East St. Louis~~  
8 ~~is a financially distressed city, beginning on the first day~~  
9 ~~that an owners licensee under paragraph (1), (2), (3), (4),~~  
10 ~~(5), or (6) of subsection (c 5) of Section 7 conducts gambling~~  
11 ~~operations, either in a temporary facility or a permanent~~  
12 ~~facility, and for 10 years thereafter, a unit of local~~  
13 ~~government designated as the home dock of a riverboat~~  
14 ~~conducting gambling operations in the City of East St. Louis~~  
15 ~~shall not receive less under this subsection (b) than the~~  
16 ~~amount the unit of local government received under this~~  
17 ~~subsection (b) in calendar year 2018.~~

18 From the tax revenue deposited in the State Gaming Fund  
19 pursuant to riverboat ~~or casino~~ gambling operations conducted  
20 by a licensed manager on behalf of the State, an amount equal  
21 to 5% of adjusted gross receipts generated pursuant to those  
22 riverboat ~~or casino~~ gambling operations shall be paid monthly,  
23 subject to appropriation by the General Assembly, to the unit  
24 of local government that is designated as the home dock of the  
25 riverboat upon which those riverboat gambling operations are  
26 conducted ~~or in which the casino is located.~~

1 ~~From the tax revenue from riverboat or casino gambling~~  
2 ~~deposited in the State Gaming Fund under this Section, an~~  
3 ~~amount equal to 5% of the adjusted gross receipts generated by~~  
4 ~~a riverboat designated in paragraph (3) of subsection (c-5) of~~  
5 ~~Section 7 shall be divided and remitted monthly, subject to~~  
6 ~~appropriation, as follows: 70% to Waukegan, 10% to Park City,~~  
7 ~~15% to North Chicago, and 5% to Lake County.~~

8 ~~From the tax revenue from riverboat or casino gambling~~  
9 ~~deposited in the State Gaming Fund under this Section, an~~  
10 ~~amount equal to 5% of the adjusted gross receipts generated by~~  
11 ~~a riverboat designated in paragraph (4) of subsection (c-5) of~~  
12 ~~Section 7 shall be remitted monthly, subject to appropriation,~~  
13 ~~as follows: 70% to the City of Rockford, 5% to the City of~~  
14 ~~Loves Park, 5% to the Village of Machesney, and 20% to~~  
15 ~~Winnebago County.~~

16 ~~From the tax revenue from riverboat or casino gambling~~  
17 ~~deposited in the State Gaming Fund under this Section, an~~  
18 ~~amount equal to 5% of the adjusted gross receipts generated by~~  
19 ~~a riverboat designated in paragraph (5) of subsection (c-5) of~~  
20 ~~Section 7 shall be remitted monthly, subject to appropriation,~~  
21 ~~as follows: 2% to the unit of local government in which the~~  
22 ~~riverboat or casino is located, and 3% shall be distributed:~~  
23 ~~(A) in accordance with a regional capital development plan~~  
24 ~~entered into by the following communities: Village of Beecher,~~  
25 ~~City of Blue Island, Village of Burnham, City of Calumet City,~~  
26 ~~Village of Calumet Park, City of Chicago Heights, City of~~

1 ~~Country Club Hills, Village of Crestwood, Village of Crete,~~  
2 ~~Village of Dixmoor, Village of Dolton, Village of East Hazel~~  
3 ~~Crest, Village of Flossmoor, Village of Ford Heights, Village~~  
4 ~~of Glenwood, City of Harvey, Village of Hazel Crest, Village of~~  
5 ~~Homewood, Village of Lansing, Village of Lynwood, City of~~  
6 ~~Markham, Village of Matteson, Village of Midlothian, Village of~~  
7 ~~Monee, City of Oak Forest, Village of Olympia Fields, Village~~  
8 ~~of Orland Hills, Village of Orland Park, City of Palos Heights,~~  
9 ~~Village of Park Forest, Village of Phoenix, Village of Posen,~~  
10 ~~Village of Richton Park, Village of Riverdale, Village of~~  
11 ~~Robbins, Village of Sauk Village, Village of South Chicago~~  
12 ~~Heights, Village of South Holland, Village of Steger, Village~~  
13 ~~of Thornton, Village of Tinley Park, Village of University Park~~  
14 ~~and Village of Worth; or (B) if no regional capital development~~  
15 ~~plan exists, equally among the communities listed in item (A)~~  
16 ~~to be used for capital expenditures or public pension payments,~~  
17 ~~or both.~~

18 ~~Units of local government may refund any portion of the~~  
19 ~~payment that they receive pursuant to this subsection (b) to~~  
20 ~~the riverboat or casino.~~

21 ~~(b-4) Beginning on the first day the licensee under~~  
22 ~~paragraph (5) of subsection (c-5) of Section 7 conducts~~  
23 ~~gambling operations, either in a temporary facility or a~~  
24 ~~permanent facility, and ending on July 31, 2042, from the tax~~  
25 ~~revenue deposited in the State Gaming Fund under this Section,~~  
26 ~~\$5,000,000 shall be paid annually, subject to appropriation, to~~

1 ~~the host municipality of that owners licensee of a license~~  
2 ~~issued or re-issued pursuant to Section 7.1 of this Act before~~  
3 ~~January 1, 2012. Payments received by the host municipality~~  
4 ~~pursuant to this subsection (b 4) may not be shared with any~~  
5 ~~other unit of local government.~~

6 ~~(b 5) Beginning on the effective date of this amendatory~~  
7 ~~Act of the 101st General Assembly, from the tax revenue~~  
8 ~~deposited in the State Gaming Fund under this Section, an~~  
9 ~~amount equal to 3% of adjusted gross receipts generated by each~~  
10 ~~organization gaming facility located outside Madison County~~  
11 ~~shall be paid monthly, subject to appropriation by the General~~  
12 ~~Assembly, to a municipality other than the Village of Stickney~~  
13 ~~in which each organization gaming facility is located or, if~~  
14 ~~the organization gaming facility is not located within a~~  
15 ~~municipality, to the county in which the organization gaming~~  
16 ~~facility is located, except as otherwise provided in this~~  
17 ~~Section. From the tax revenue deposited in the State Gaming~~  
18 ~~Fund under this Section, an amount equal to 3% of adjusted~~  
19 ~~gross receipts generated by an organization gaming facility~~  
20 ~~located in the Village of Stickney shall be paid monthly,~~  
21 ~~subject to appropriation by the General Assembly, as follows:~~  
22 ~~25% to the Village of Stickney, 5% to the City of Berwyn, 50%~~  
23 ~~to the Town of Cicero, and 20% to the Stickney Public Health~~  
24 ~~District.~~

25 ~~From the tax revenue deposited in the State Gaming Fund~~  
26 ~~under this Section, an amount equal to 5% of adjusted gross~~

1 ~~receipts generated by an organization gaming facility located~~  
2 ~~in the City of Collinsville shall be paid monthly, subject to~~  
3 ~~appropriation by the General Assembly, as follows: 30% to the~~  
4 ~~City of Alton, 30% to the City of East St. Louis, and 40% to the~~  
5 ~~City of Collinsville.~~

6 ~~Municipalities and counties may refund any portion of the~~  
7 ~~payment that they receive pursuant to this subsection (b 5) to~~  
8 ~~the organization gaming facility.~~

9 ~~(b 6) Beginning on the effective date of this amendatory~~  
10 ~~Act of the 101st General Assembly, from the tax revenue~~  
11 ~~deposited in the State Gaming Fund under this Section, an~~  
12 ~~amount equal to 2% of adjusted gross receipts generated by an~~  
13 ~~organization gaming facility located outside Madison County~~  
14 ~~shall be paid monthly, subject to appropriation by the General~~  
15 ~~Assembly, to the county in which the organization gaming~~  
16 ~~facility is located for the purposes of its criminal justice~~  
17 ~~system or health care system.~~

18 ~~Counties may refund any portion of the payment that they~~  
19 ~~receive pursuant to this subsection (b 6) to the organization~~  
20 ~~gaming facility.~~

21 ~~(b 7) From the tax revenue from the organization gaming~~  
22 ~~licensee located in one of the following townships of Cook~~  
23 ~~County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or~~  
24 ~~Worth, an amount equal to 5% of the adjusted gross receipts~~  
25 ~~generated by that organization gaming licensee shall be~~  
26 ~~remitted monthly, subject to appropriation, as follows: 2% to~~

1 ~~the unit of local government in which the organization gaming~~  
2 ~~licensee is located, and 3% shall be distributed: (A) in~~  
3 ~~accordance with a regional capital development plan entered~~  
4 ~~into by the following communities: Village of Beecher, City of~~  
5 ~~Blue Island, Village of Burnham, City of Calumet City, Village~~  
6 ~~of Calumet Park, City of Chicago Heights, City of Country Club~~  
7 ~~Hills, Village of Crestwood, Village of Crete, Village of~~  
8 ~~Dixmoor, Village of Dolton, Village of East Hazel Crest,~~  
9 ~~Village of Flossmoor, Village of Ford Heights, Village of~~  
10 ~~Glenwood, City of Harvey, Village of Hazel Crest, Village of~~  
11 ~~Homewood, Village of Lansing, Village of Lynwood, City of~~  
12 ~~Markham, Village of Matteson, Village of Midlothian, Village of~~  
13 ~~Monee, City of Oak Forest, Village of Olympia Fields, Village~~  
14 ~~of Orland Hills, Village of Orland Park, City of Palos Heights,~~  
15 ~~Village of Park Forest, Village of Phoenix, Village of Posen,~~  
16 ~~Village of Richton Park, Village of Riverdale, Village of~~  
17 ~~Robbins, Village of Sauk Village, Village of South Chicago~~  
18 ~~Heights, Village of South Holland, Village of Steger, Village~~  
19 ~~of Thornton, Village of Tinley Park, Village of University~~  
20 ~~Park, and Village of Worth; or (B) if no regional capital~~  
21 ~~development plan exists, equally among the communities listed~~  
22 ~~in item (A) to be used for capital expenditures or public~~  
23 ~~pension payments, or both.~~

24 ~~(b-8) In lieu of the payments under subsection (b) of this~~  
25 ~~Section, the tax revenue from the privilege tax imposed by~~  
26 ~~subsection (a 5.5) shall be paid monthly, subject to~~

1 ~~appropriation by the General Assembly, to the City of Chicago~~  
2 ~~and shall be expended or obligated by the City of Chicago for~~  
3 ~~pension payments in accordance with Public Act 99-506.~~

4 (c) Appropriations, as approved by the General Assembly,  
5 may be made from the State Gaming Fund to the Board (i) for the  
6 administration and enforcement of this Act and the Video Gaming  
7 Act, (ii) for distribution to the Department of State Police  
8 and to the Department of Revenue for the enforcement of this  
9 Act, ~~and the Video Gaming Act,~~ and (iii) to the Department of  
10 Human Services for the administration of programs to treat  
11 problem gambling. ~~The Board's annual appropriations request~~  
12 ~~must separately state its funding needs for the regulation of~~  
13 ~~gaming authorized under Section 7.7, riverboat gaming, casino~~  
14 ~~gaming, video gaming, and sports wagering.~~

15 ~~(c-2) An amount equal to 2% of the adjusted gross receipts~~  
16 ~~generated by an organization gaming facility located within a~~  
17 ~~home rule county with a population of over 3,000,000~~  
18 ~~inhabitants shall be paid, subject to appropriation from the~~  
19 ~~General Assembly, from the State Gaming Fund to the home rule~~  
20 ~~county in which the organization gaming licensee is located for~~  
21 ~~the purpose of enhancing the county's criminal justice system.~~

22 ~~(c-3) Appropriations, as approved by the General Assembly,~~  
23 ~~may be made from the tax revenue deposited into the State~~  
24 ~~Gaming Fund from organization gaming licensees pursuant to this~~  
25 ~~Section for the administration and enforcement of this Act.~~

26 ~~(c-4) After payments required under subsections (b),~~

1 ~~(b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from~~  
2 ~~the tax revenue from organization gaming licensees deposited~~  
3 ~~into the State Gaming Fund under this Section, all remaining~~  
4 ~~amounts from organization gaming licensees shall be~~  
5 ~~transferred into the Capital Projects Fund.~~

6 (c-5) ~~(Blank)~~. Before May 26, 2006 (the effective date of  
7 Public Act 94-804) and beginning on the effective date of this  
8 amendatory Act of the 95th General Assembly, unless any  
9 organization licensee under the Illinois Horse Racing Act of  
10 1975 begins to operate a slot machine or video game of chance  
11 under the Illinois Horse Racing Act of 1975 or this Act, after  
12 the payments required under subsections (b) and (c) have been  
13 made, an amount equal to 15% of the adjusted gross receipts of  
14 (1) an owners licensee that relocates pursuant to Section 11.2,  
15 (2) an owners licensee conducting riverboat gambling  
16 operations pursuant to an owners license that is initially  
17 issued after June 25, 1999, or (3) the first riverboat gambling  
18 operations conducted by a licensed manager on behalf of the  
19 State under Section 7.3, whichever comes first, shall be paid  
20 from the State Gaming Fund into the Horse Racing Equity Fund.

21 (c-10) Each year the General Assembly shall appropriate  
22 from the General Revenue Fund to the Education Assistance Fund  
23 an amount equal to the amount paid into the Horse Racing Equity  
24 Fund pursuant to subsection (c-5) in the prior calendar year.

25 (c-15) After the payments required under subsections (b),  
26 (c), and (c-5) have been made, an amount equal to 2% of the



1 adjusted gross receipts of (1) an owners licensee that  
2 relocates pursuant to Section 11.2, (2) an owners licensee  
3 conducting riverboat gambling operations pursuant to an owners  
4 license that is initially issued after June 25, 1999, or (3)  
5 the first riverboat gambling operations conducted by a licensed  
6 manager on behalf of the State under Section 7.3, whichever  
7 comes first, shall be paid, subject to appropriation from the  
8 General Assembly, from the State Gaming Fund to each home rule  
9 county with a population of over 3,000,000 inhabitants for the  
10 purpose of enhancing the county's criminal justice system.

11 (c-20) Each year the General Assembly shall appropriate  
12 from the General Revenue Fund to the Education Assistance Fund  
13 an amount equal to the amount paid to each home rule county  
14 with a population of over 3,000,000 inhabitants pursuant to  
15 subsection (c-15) in the prior calendar year.

16 ~~(c-21) After the payments required under subsections (b),~~  
17 ~~(b 4), (b 5), (b 6), (b 7), (b 8), (c), (c 3), and (c 4) have~~  
18 ~~been made, an amount equal to 2% of the adjusted gross receipts~~  
19 ~~generated by the owners licensee under paragraph (1) of~~  
20 ~~subsection (c-5) of Section 7 shall be paid, subject to~~  
21 ~~appropriation from the General Assembly, from the State Gaming~~  
22 ~~Fund to the home rule county in which the owners licensee is~~  
23 ~~located for the purpose of enhancing the county's criminal~~  
24 ~~justice system.~~

25 ~~(c-22) After the payments required under subsections (b),~~  
26 ~~(b 4), (b 5), (b 6), (b 7), (b 8), (c), (c 3), (c 4), and~~

1 ~~(c-21) have been made, an amount equal to 2% of the adjusted~~  
2 ~~gross receipts generated by the owners licensee under paragraph~~  
3 ~~(5) of subsection (c-5) of Section 7 shall be paid, subject to~~  
4 ~~appropriation from the General Assembly, from the State Gaming~~  
5 ~~Fund to the home rule county in which the owners licensee is~~  
6 ~~located for the purpose of enhancing the county's criminal~~  
7 ~~justice system.~~

8 (c-25) ~~From~~ On July 1, 2013 and each July 1  
9 thereafter ~~through July 1, 2019,~~ \$1,600,000 shall be  
10 transferred from the State Gaming Fund to the Chicago State  
11 University Education Improvement Fund.

12 ~~On July 1, 2020 and each July 1 thereafter, \$3,000,000~~  
13 ~~shall be transferred from the State Gaming Fund to the Chicago~~  
14 ~~State University Education Improvement Fund.~~

15 (c-30) On July 1, 2013 or as soon as possible thereafter,  
16 \$92,000,000 shall be transferred from the State Gaming Fund to  
17 the School Infrastructure Fund and \$23,000,000 shall be  
18 transferred from the State Gaming Fund to the Horse Racing  
19 Equity Fund.

20 (c-35) Beginning on July 1, 2013, in addition to any amount  
21 transferred under subsection (c-30) of this Section,  
22 \$5,530,000 shall be transferred monthly from the State Gaming  
23 Fund to the School Infrastructure Fund.

24 (d) From time to time, the Board shall transfer the  
25 remainder of the funds generated by this Act into the Education  
26 Assistance Fund, created by Public Act 86-0018, of the State of

1 Illinois.

2 (e) Nothing in this Act shall prohibit the unit of local  
3 government designated as the home dock of the riverboat from  
4 entering into agreements with other units of local government  
5 in this State or in other states to share its portion of the  
6 tax revenue.

7 (f) To the extent practicable, the Board shall administer  
8 and collect the wagering taxes imposed by this Section in a  
9 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
10 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
11 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
12 Penalty and Interest Act.

13 (Source: P.A. 101-31, Article 25, Section 25-910, eff. 6-28-19;  
14 101-31, Article 35, Section 35-55, eff. 6-28-19; revised  
15 8-23-19.)

16 Section 10-220. The Criminal Code of 2012 is amended by  
17 changing Sections 28-1, 28-3, and 28-5 as follows:

18 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

19 Sec. 28-1. Gambling.

20 (a) A person commits gambling when he or she:

21 (1) knowingly plays a game of chance or skill for money  
22 or other thing of value, unless excepted in subsection (b)  
23 of this Section;

24 (2) knowingly makes a wager upon the result of any

1 game, contest, or any political nomination, appointment or  
2 election;

3 (3) knowingly operates, keeps, owns, uses, purchases,  
4 exhibits, rents, sells, bargains for the sale or lease of,  
5 manufactures or distributes any gambling device;

6 (4) contracts to have or give himself or herself or  
7 another the option to buy or sell, or contracts to buy or  
8 sell, at a future time, any grain or other commodity  
9 whatsoever, or any stock or security of any company, where  
10 it is at the time of making such contract intended by both  
11 parties thereto that the contract to buy or sell, or the  
12 option, whenever exercised, or the contract resulting  
13 therefrom, shall be settled, not by the receipt or delivery  
14 of such property, but by the payment only of differences in  
15 prices thereof; however, the issuance, purchase, sale,  
16 exercise, endorsement or guarantee, by or through a person  
17 registered with the Secretary of State pursuant to Section  
18 8 of the Illinois Securities Law of 1953, or by or through  
19 a person exempt from such registration under said Section  
20 8, of a put, call, or other option to buy or sell  
21 securities which have been registered with the Secretary of  
22 State or which are exempt from such registration under  
23 Section 3 of the Illinois Securities Law of 1953 is not  
24 gambling within the meaning of this paragraph (4);

25 (5) knowingly owns or possesses any book, instrument or  
26 apparatus by means of which bets or wagers have been, or

1           are, recorded or registered, or knowingly possesses any  
2           money which he has received in the course of a bet or  
3           wager;

4           (6) knowingly sells pools upon the result of any game  
5           or contest of skill or chance, political nomination,  
6           appointment or election;

7           (7) knowingly sets up or promotes any lottery or sells,  
8           offers to sell or transfers any ticket or share for any  
9           lottery;

10          (8) knowingly sets up or promotes any policy game or  
11          sells, offers to sell or knowingly possesses or transfers  
12          any policy ticket, slip, record, document or other similar  
13          device;

14          (9) knowingly drafts, prints or publishes any lottery  
15          ticket or share, or any policy ticket, slip, record,  
16          document or similar device, except for such activity  
17          related to lotteries, bingo games and raffles authorized by  
18          and conducted in accordance with the laws of Illinois or  
19          any other state or foreign government;

20          (10) knowingly advertises any lottery or policy game,  
21          except for such activity related to lotteries, bingo games  
22          and raffles authorized by and conducted in accordance with  
23          the laws of Illinois or any other state;

24          (11) knowingly transmits information as to wagers,  
25          betting odds, or changes in betting odds by telephone,  
26          telegraph, radio, semaphore or similar means; or knowingly

1 installs or maintains equipment for the transmission or  
2 receipt of such information; except that nothing in this  
3 subdivision (11) prohibits transmission or receipt of such  
4 information for use in news reporting of sporting events or  
5 contests; or

6 (12) knowingly establishes, maintains, or operates an  
7 Internet site that permits a person to play a game of  
8 chance or skill for money or other thing of value by means  
9 of the Internet or to make a wager upon the result of any  
10 game, contest, political nomination, appointment, or  
11 election by means of the Internet. This item (12) does not  
12 apply to activities referenced in items (6), (6.1), (8),  
13 and (8.1), ~~and (15)~~ of subsection (b) of this Section.

14 (b) Participants in any of the following activities shall  
15 not be convicted of gambling:

16 (1) Agreements to compensate for loss caused by the  
17 happening of chance including without limitation contracts  
18 of indemnity or guaranty and life or health or accident  
19 insurance.

20 (2) Offers of prizes, award or compensation to the  
21 actual contestants in any bona fide contest for the  
22 determination of skill, speed, strength or endurance or to  
23 the owners of animals or vehicles entered in such contest.

24 (3) Pari-mutuel betting as authorized by the law of  
25 this State.

26 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly  
2 thereof, for transportation in interstate or foreign  
3 commerce to any place outside this State when such  
4 transportation is not prohibited by any applicable Federal  
5 law; or the manufacture, distribution, or possession of  
6 video gaming terminals, as defined in the Video Gaming Act,  
7 by manufacturers, distributors, and terminal operators  
8 licensed to do so under the Video Gaming Act.

9 (5) The game commonly known as "bingo", when conducted  
10 in accordance with the Bingo License and Tax Act.

11 (6) Lotteries when conducted by the State of Illinois  
12 in accordance with the Illinois Lottery Law. This exemption  
13 includes any activity conducted by the Department of  
14 Revenue to sell lottery tickets pursuant to the provisions  
15 of the Illinois Lottery Law and its rules.

16 (6.1) The purchase of lottery tickets through the  
17 Internet for a lottery conducted by the State of Illinois  
18 under the program established in Section 7.12 of the  
19 Illinois Lottery Law.

20 (7) Possession of an antique slot machine that is  
21 neither used nor intended to be used in the operation or  
22 promotion of any unlawful gambling activity or enterprise.  
23 For the purpose of this subparagraph (b)(7), an antique  
24 slot machine is one manufactured 25 years ago or earlier.

25 (8) Raffles and poker runs when conducted in accordance  
26 with the Raffles and Poker Runs Act.

1           (8.1) The purchase of raffle chances for a raffle  
2 conducted in accordance with the Raffles and Poker Runs  
3 Act.

4           (9) Charitable games when conducted in accordance with  
5 the Charitable Games Act.

6           (10) Pull tabs and jar games when conducted under the  
7 Illinois Pull Tabs and Jar Games Act.

8           (11) Gambling games conducted on riverboats when  
9 authorized by the ~~Illinois~~ Riverboat Gambling Act.

10           (12) Video gaming terminal games at a licensed  
11 establishment, licensed truck stop establishment, ~~licensed~~  
12 ~~large truck stop establishment,~~ licensed fraternal  
13 establishment, or licensed veterans establishment when  
14 conducted in accordance with the Video Gaming Act.

15           (13) Games of skill or chance where money or other  
16 things of value can be won but no payment or purchase is  
17 required to participate.

18           (14) Savings promotion raffles authorized under  
19 Section 5g of the Illinois Banking Act, Section 7008 of the  
20 Savings Bank Act, Section 42.7 of the Illinois Credit Union  
21 Act, Section 5136B of the National Bank Act (12 U.S.C.  
22 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C.  
23 1463).

24           ~~(15) Sports wagering when conducted in accordance with~~  
25 ~~the Sports Wagering Act.~~

26           (c) Sentence.



1           Gambling is a Class A misdemeanor. A second or subsequent  
2 conviction under subsections (a) (3) through (a) (12), is a Class  
3 4 felony.

4           (d) Circumstantial evidence.

5           In prosecutions under this Section circumstantial evidence  
6 shall have the same validity and weight as in any criminal  
7 prosecution.

8           (Source: P.A. 101-31, Article 25, Section 25-915, eff. 6-28-19;  
9 101-31, Article 35, Section 35-80, eff. 6-28-19; 101-109, eff.  
10 7-19-19; revised 8-6-19.)

11           (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

12           Sec. 28-3. Keeping a gambling place. A "gambling place" is  
13 any real estate, vehicle, boat, or any other property  
14 whatsoever used for the purposes of gambling other than  
15 gambling conducted in the manner authorized by the Riverboat  
16 ~~Illinois~~ Gambling Act, ~~the Sports Wagering Act,~~ or the Video  
17 Gaming Act. Any person who knowingly permits any premises or  
18 property owned or occupied by him or under his control to be  
19 used as a gambling place commits a Class A misdemeanor. Each  
20 subsequent offense is a Class 4 felony. When any premises is  
21 determined by the circuit court to be a gambling place:

22           (a) Such premises is a public nuisance and may be  
23 proceeded against as such, and

24           (b) All licenses, permits or certificates issued by the  
25 State of Illinois or any subdivision or public agency

1           thereof authorizing the serving of food or liquor on such  
2           premises shall be void; and no license, permit or  
3           certificate so cancelled shall be reissued for such  
4           premises for a period of 60 days thereafter; nor shall any  
5           person convicted of keeping a gambling place be reissued  
6           such license for one year from his conviction and, after a  
7           second conviction of keeping a gambling place, any such  
8           person shall not be reissued such license, and

9           (c) Such premises of any person who knowingly permits  
10          thereon a violation of any Section of this Article shall be  
11          held liable for, and may be sold to pay any unsatisfied  
12          judgment that may be recovered and any unsatisfied fine  
13          that may be levied under any Section of this Article.

14          (Source: P.A. 101-31, Article 25, Section 25-915, eff. 6-28-19;  
15          101-31, Article 35, Section 35-80, eff. 6-28-19; revised  
16          7-12-19.)

17           (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

18          Sec. 28-5. Seizure of gambling devices and gambling funds.

19          (a) Every device designed for gambling which is incapable  
20          of lawful use or every device used unlawfully for gambling  
21          shall be considered a "gambling device", and shall be subject  
22          to seizure, confiscation and destruction by the Department of  
23          State Police or by any municipal, or other local authority,  
24          within whose jurisdiction the same may be found. As used in  
25          this Section, a "gambling device" includes any slot machine,

1 and includes any machine or device constructed for the  
2 reception of money or other thing of value and so constructed  
3 as to return, or to cause someone to return, on chance to the  
4 player thereof money, property or a right to receive money or  
5 property. With the exception of any device designed for  
6 gambling which is incapable of lawful use, no gambling device  
7 shall be forfeited or destroyed unless an individual with a  
8 property interest in said device knows of the unlawful use of  
9 the device.

10 (b) Every gambling device shall be seized and forfeited to  
11 the county wherein such seizure occurs. Any money or other  
12 thing of value integrally related to acts of gambling shall be  
13 seized and forfeited to the county wherein such seizure occurs.

14 (c) If, within 60 days after any seizure pursuant to  
15 subparagraph (b) of this Section, a person having any property  
16 interest in the seized property is charged with an offense, the  
17 court which renders judgment upon such charge shall, within 30  
18 days after such judgment, conduct a forfeiture hearing to  
19 determine whether such property was a gambling device at the  
20 time of seizure. Such hearing shall be commenced by a written  
21 petition by the State, including material allegations of fact,  
22 the name and address of every person determined by the State to  
23 have any property interest in the seized property, a  
24 representation that written notice of the date, time and place  
25 of such hearing has been mailed to every such person by  
26 certified mail at least 10 days before such date, and a request

1 for forfeiture. Every such person may appear as a party and  
2 present evidence at such hearing. The quantum of proof required  
3 shall be a preponderance of the evidence, and the burden of  
4 proof shall be on the State. If the court determines that the  
5 seized property was a gambling device at the time of seizure,  
6 an order of forfeiture and disposition of the seized property  
7 shall be entered: a gambling device shall be received by the  
8 State's Attorney, who shall effect its destruction, except that  
9 valuable parts thereof may be liquidated and the resultant  
10 money shall be deposited in the general fund of the county  
11 wherein such seizure occurred; money and other things of value  
12 shall be received by the State's Attorney and, upon  
13 liquidation, shall be deposited in the general fund of the  
14 county wherein such seizure occurred. However, in the event  
15 that a defendant raises the defense that the seized slot  
16 machine is an antique slot machine described in subparagraph  
17 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
18 from the charge of a gambling activity participant, the seized  
19 antique slot machine shall not be destroyed or otherwise  
20 altered until a final determination is made by the Court as to  
21 whether it is such an antique slot machine. Upon a final  
22 determination by the Court of this question in favor of the  
23 defendant, such slot machine shall be immediately returned to  
24 the defendant. Such order of forfeiture and disposition shall,  
25 for the purposes of appeal, be a final order and judgment in a  
26 civil proceeding.

1 (d) If a seizure pursuant to subparagraph (b) of this  
2 Section is not followed by a charge pursuant to subparagraph  
3 (c) of this Section, or if the prosecution of such charge is  
4 permanently terminated or indefinitely discontinued without  
5 any judgment of conviction or acquittal (1) the State's  
6 Attorney shall commence an in rem proceeding for the forfeiture  
7 and destruction of a gambling device, or for the forfeiture and  
8 deposit in the general fund of the county of any seized money  
9 or other things of value, or both, in the circuit court and (2)  
10 any person having any property interest in such seized gambling  
11 device, money or other thing of value may commence separate  
12 civil proceedings in the manner provided by law.

13 (e) Any gambling device displayed for sale to a riverboat  
14 gambling operation, ~~casino gambling operation, or organization~~  
15 ~~gaming facility~~ or used to train occupational licensees of a  
16 riverboat gambling operation, ~~casino gambling operation, or~~  
17 ~~organization gaming facility~~ as authorized under the Illinois  
18 Riverboat Gambling Act is exempt from seizure under this  
19 Section.

20 (f) Any gambling equipment, devices, and supplies provided  
21 by a licensed supplier in accordance with the Illinois  
22 Riverboat Gambling Act which are removed from ~~a~~ the riverboat,  
23 ~~casino, or organization gaming facility~~ for repair are exempt  
24 from seizure under this Section.

25 (g) The following video gaming terminals are exempt from  
26 seizure under this Section:

1 (1) Video gaming terminals for sale to a licensed  
2 distributor or operator under the Video Gaming Act.

3 (2) Video gaming terminals used to train licensed  
4 technicians or licensed terminal handlers.

5 (3) Video gaming terminals that are removed from a  
6 licensed establishment, licensed truck stop establishment,  
7 ~~licensed large truck stop establishment,~~ licensed  
8 fraternal establishment, or licensed veterans  
9 establishment for repair.

10 (h) Property seized or forfeited under this Section is  
11 subject to reporting under the Seizure and Forfeiture Reporting  
12 Act.

13 ~~(i) Any sports lottery terminals provided by a central~~  
14 ~~system provider that are removed from a lottery retailer for~~  
15 ~~repair under the Sports Wagering Act are exempt from seizure~~  
16 ~~under this Section.~~

17 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25, Section  
18 25-915, eff. 6-28-19; 101-31, Article 35, Section 35-80, eff.  
19 6-28-19; revised 7-12-19.)

20 (230 ILCS 50/Act rep.)

21 Section 10-300. The State Fair Gaming Act is repealed.

22 (30 ILCS 105/5.897 rep.)

23 Section 10-310. The State Finance Act is amended by  
24 repealing Section 5.897, as added by Public Act 101-31.

1           Section 10-320. The Open Meetings Act is amended by  
2 changing Section 2 as follows:

3           (5 ILCS 120/2) (from Ch. 102, par. 42)

4           Sec. 2. Open meetings.

5           (a) Openness required. All meetings of public bodies shall  
6 be open to the public unless excepted in subsection (c) and  
7 closed in accordance with Section 2a.

8           (b) Construction of exceptions. The exceptions contained  
9 in subsection (c) are in derogation of the requirement that  
10 public bodies meet in the open, and therefore, the exceptions  
11 are to be strictly construed, extending only to subjects  
12 clearly within their scope. The exceptions authorize but do not  
13 require the holding of a closed meeting to discuss a subject  
14 included within an enumerated exception.

15           (c) Exceptions. A public body may hold closed meetings to  
16 consider the following subjects:

17           (1) The appointment, employment, compensation,  
18 discipline, performance, or dismissal of specific  
19 employees, specific individuals who serve as independent  
20 contractors in a park, recreational, or educational  
21 setting, or specific volunteers of the public body or legal  
22 counsel for the public body, including hearing testimony on  
23 a complaint lodged against an employee, a specific  
24 individual who serves as an independent contractor in a

1 park, recreational, or educational setting, or a volunteer  
2 of the public body or against legal counsel for the public  
3 body to determine its validity. However, a meeting to  
4 consider an increase in compensation to a specific employee  
5 of a public body that is subject to the Local Government  
6 Wage Increase Transparency Act may not be closed and shall  
7 be open to the public and posted and held in accordance  
8 with this Act.

9 (2) Collective negotiating matters between the public  
10 body and its employees or their representatives, or  
11 deliberations concerning salary schedules for one or more  
12 classes of employees.

13 (3) The selection of a person to fill a public office,  
14 as defined in this Act, including a vacancy in a public  
15 office, when the public body is given power to appoint  
16 under law or ordinance, or the discipline, performance or  
17 removal of the occupant of a public office, when the public  
18 body is given power to remove the occupant under law or  
19 ordinance.

20 (4) Evidence or testimony presented in open hearing, or  
21 in closed hearing where specifically authorized by law, to  
22 a quasi-adjudicative body, as defined in this Act, provided  
23 that the body prepares and makes available for public  
24 inspection a written decision setting forth its  
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use



1 of the public body, including meetings held for the purpose  
2 of discussing whether a particular parcel should be  
3 acquired.

4 (6) The setting of a price for sale or lease of  
5 property owned by the public body.

6 (7) The sale or purchase of securities, investments, or  
7 investment contracts. This exception shall not apply to the  
8 investment of assets or income of funds deposited into the  
9 Illinois Prepaid Tuition Trust Fund.

10 (8) Security procedures, school building safety and  
11 security, and the use of personnel and equipment to respond  
12 to an actual, a threatened, or a reasonably potential  
13 danger to the safety of employees, students, staff, the  
14 public, or public property.

15 (9) Student disciplinary cases.

16 (10) The placement of individual students in special  
17 education programs and other matters relating to  
18 individual students.

19 (11) Litigation, when an action against, affecting or  
20 on behalf of the particular public body has been filed and  
21 is pending before a court or administrative tribunal, or  
22 when the public body finds that an action is probable or  
23 imminent, in which case the basis for the finding shall be  
24 recorded and entered into the minutes of the closed  
25 meeting.

26 (12) The establishment of reserves or settlement of

1 claims as provided in the Local Governmental and  
2 Governmental Employees Tort Immunity Act, if otherwise the  
3 disposition of a claim or potential claim might be  
4 prejudiced, or the review or discussion of claims, loss or  
5 risk management information, records, data, advice or  
6 communications from or with respect to any insurer of the  
7 public body or any intergovernmental risk management  
8 association or self insurance pool of which the public body  
9 is a member.

10 (13) Conciliation of complaints of discrimination in  
11 the sale or rental of housing, when closed meetings are  
12 authorized by the law or ordinance prescribing fair housing  
13 practices and creating a commission or administrative  
14 agency for their enforcement.

15 (14) Informant sources, the hiring or assignment of  
16 undercover personnel or equipment, or ongoing, prior or  
17 future criminal investigations, when discussed by a public  
18 body with criminal investigatory responsibilities.

19 (15) Professional ethics or performance when  
20 considered by an advisory body appointed to advise a  
21 licensing or regulatory agency on matters germane to the  
22 advisory body's field of competence.

23 (16) Self evaluation, practices and procedures or  
24 professional ethics, when meeting with a representative of  
25 a statewide association of which the public body is a  
26 member.

1           (17) The recruitment, credentialing, discipline or  
2 formal peer review of physicians or other health care  
3 professionals, or for the discussion of matters protected  
4 under the federal Patient Safety and Quality Improvement  
5 Act of 2005, and the regulations promulgated thereunder,  
6 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
7 Health Insurance Portability and Accountability Act of  
8 1996, and the regulations promulgated thereunder,  
9 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,  
10 or other institution providing medical care, that is  
11 operated by the public body.

12           (18) Deliberations for decisions of the Prisoner  
13 Review Board.

14           (19) Review or discussion of applications received  
15 under the Experimental Organ Transplantation Procedures  
16 Act.

17           (20) The classification and discussion of matters  
18 classified as confidential or continued confidential by  
19 the State Government Suggestion Award Board.

20           (21) Discussion of minutes of meetings lawfully closed  
21 under this Act, whether for purposes of approval by the  
22 body of the minutes or semi-annual review of the minutes as  
23 mandated by Section 2.06.

24           (22) Deliberations for decisions of the State  
25 Emergency Medical Services Disciplinary Review Board.

26           (23) The operation by a municipality of a municipal

1 utility or the operation of a municipal power agency or  
2 municipal natural gas agency when the discussion involves  
3 (i) contracts relating to the purchase, sale, or delivery  
4 of electricity or natural gas or (ii) the results or  
5 conclusions of load forecast studies.

6 (24) Meetings of a residential health care facility  
7 resident sexual assault and death review team or the  
8 Executive Council under the Abuse Prevention Review Team  
9 Act.

10 (25) Meetings of an independent team of experts under  
11 Brian's Law.

12 (26) Meetings of a mortality review team appointed  
13 under the Department of Juvenile Justice Mortality Review  
14 Team Act.

15 (27) (Blank).

16 (28) Correspondence and records (i) that may not be  
17 disclosed under Section 11-9 of the Illinois Public Aid  
18 Code or (ii) that pertain to appeals under Section 11-8 of  
19 the Illinois Public Aid Code.

20 (29) Meetings between internal or external auditors  
21 and governmental audit committees, finance committees, and  
22 their equivalents, when the discussion involves internal  
23 control weaknesses, identification of potential fraud risk  
24 areas, known or suspected frauds, and fraud interviews  
25 conducted in accordance with generally accepted auditing  
26 standards of the United States of America.

1           (30) Those meetings or portions of meetings of a  
2 fatality review team or the Illinois Fatality Review Team  
3 Advisory Council during which a review of the death of an  
4 eligible adult in which abuse or neglect is suspected,  
5 alleged, or substantiated is conducted pursuant to Section  
6 15 of the Adult Protective Services Act.

7           (31) Meetings and deliberations for decisions of the  
8 Concealed Carry Licensing Review Board under the Firearm  
9 Concealed Carry Act.

10          (32) Meetings between the Regional Transportation  
11 Authority Board and its Service Boards when the discussion  
12 involves review by the Regional Transportation Authority  
13 Board of employment contracts under Section 28d of the  
14 Metropolitan Transit Authority Act and Sections 3A.18 and  
15 3B.26 of the Regional Transportation Authority Act.

16          (33) Those meetings or portions of meetings of the  
17 advisory committee and peer review subcommittee created  
18 under Section 320 of the Illinois Controlled Substances Act  
19 during which specific controlled substance prescriber,  
20 dispenser, or patient information is discussed.

21          (34) Meetings of the Tax Increment Financing Reform  
22 Task Force under Section 2505-800 of the Department of  
23 Revenue Law of the Civil Administrative Code of Illinois.

24          (35) Meetings of the group established to discuss  
25 Medicaid capitation rates under Section 5-30.8 of the  
26 Illinois Public Aid Code.

1           ~~(36) These deliberations or portions of deliberations~~  
2           ~~for decisions of the Illinois Gaming Board in which there~~  
3           ~~is discussed any of the following: (i) personal,~~  
4           ~~commercial, financial, or other information obtained from~~  
5           ~~any source that is privileged, proprietary, confidential,~~  
6           ~~or a trade secret; or (ii) information specifically~~  
7           ~~exempted from the disclosure by federal or State law.~~

8           (d) Definitions. For purposes of this Section:

9           "Employee" means a person employed by a public body whose  
10           relationship with the public body constitutes an  
11           employer-employee relationship under the usual common law  
12           rules, and who is not an independent contractor.

13           "Public office" means a position created by or under the  
14           Constitution or laws of this State, the occupant of which is  
15           charged with the exercise of some portion of the sovereign  
16           power of this State. The term "public office" shall include  
17           members of the public body, but it shall not include  
18           organizational positions filled by members thereof, whether  
19           established by law or by a public body itself, that exist to  
20           assist the body in the conduct of its business.

21           "Quasi-adjudicative body" means an administrative body  
22           charged by law or ordinance with the responsibility to conduct  
23           hearings, receive evidence or testimony and make  
24           determinations based thereon, but does not include local  
25           electoral boards when such bodies are considering petition  
26           challenges.

1 (e) Final action. No final action may be taken at a closed  
2 meeting. Final action shall be preceded by a public recital of  
3 the nature of the matter being considered and other information  
4 that will inform the public of the business being conducted.

5 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;  
6 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.  
7 8-23-19; revised 9-27-19.)

8 Section 10-330. The State Officials and Employees Ethics  
9 Act is amended by changing Section 5-45 as follows:

10 (5 ILCS 430/5-45)

11 Sec. 5-45. Procurement; revolving door prohibition.

12 (a) No former officer, member, or State employee, or spouse  
13 or immediate family member living with such person, shall,  
14 within a period of one year immediately after termination of  
15 State employment, knowingly accept employment or receive  
16 compensation or fees for services from a person or entity if  
17 the officer, member, or State employee, during the year  
18 immediately preceding termination of State employment,  
19 participated personally and substantially in the award of State  
20 contracts, or the issuance of State contract change orders,  
21 with a cumulative value of \$25,000 or more to the person or  
22 entity, or its parent or subsidiary.

23 ~~(a-5) No officer, member, or spouse or immediate family~~  
24 ~~member living with such person shall, during the officer or~~

1 ~~member's term in office or within a period of 2 years~~  
2 ~~immediately leaving office, hold an ownership interest, other~~  
3 ~~than a passive interest in a publicly traded company, in any~~  
4 ~~gaming license under the Illinois Gambling Act, the Video~~  
5 ~~Gaming Act, the Illinois Horse Racing Act of 1975, or the~~  
6 ~~Sports Wagering Act. Any member of the General Assembly or~~  
7 ~~spouse or immediate family member living with such person who~~  
8 ~~has an ownership interest, other than a passive interest in a~~  
9 ~~publicly traded company, in any gaming license under the~~  
10 ~~Illinois Gambling Act, the Illinois Horse Racing Act of 1975,~~  
11 ~~the Video Gaming Act, or the Sports Wagering Act at the time of~~  
12 ~~the effective date of this amendatory Act of the 101st General~~  
13 ~~Assembly shall divest himself or herself of such ownership~~  
14 ~~within one year after the effective date of this amendatory Act~~  
15 ~~of the 101st General Assembly. No State employee who works for~~  
16 ~~the Illinois Gaming Board or Illinois Racing Board or spouse or~~  
17 ~~immediate family member living with such person shall, during~~  
18 ~~State employment or within a period of 2 years immediately~~  
19 ~~after termination of State employment, hold an ownership~~  
20 ~~interest, other than a passive interest in a publicly traded~~  
21 ~~company, in any gaming license under the Illinois Gambling Act,~~  
22 ~~the Video Gaming Act, the Illinois Horse Racing Act of 1975, or~~  
23 ~~the Sports Wagering Act.~~

24 (a-10) This subsection (a-10) applies on and after June 25,  
25 2021. No officer, member, or spouse or immediate family member  
26 living with such person, shall, during the officer or member's



1 term in office or within a period of 2 years immediately after  
2 leaving office, hold an ownership interest, other than a  
3 passive interest in a publicly traded company, in any cannabis  
4 business establishment which is licensed under the Cannabis  
5 Regulation and Tax Act. Any member of the General Assembly or  
6 spouse or immediate family member living with such person who  
7 has an ownership interest, other than a passive interest in a  
8 publicly traded company, in any cannabis business  
9 establishment which is licensed under the Cannabis Regulation  
10 and Tax Act at the time of the effective date of this  
11 amendatory Act of the 101st General Assembly shall divest  
12 himself or herself of such ownership within one year after the  
13 effective date of this amendatory Act of the 101st General  
14 Assembly.

15 No State employee who works for any State agency that  
16 regulates cannabis business establishment license holders who  
17 participated personally and substantially in the award of  
18 licenses under the Cannabis Regulation and Tax Act or a spouse  
19 or immediate family member living with such person shall,  
20 during State employment or within a period of 2 years  
21 immediately after termination of State employment, hold an  
22 ownership interest, other than a passive interest in a publicly  
23 traded company, in any cannabis license under the Cannabis  
24 Regulation and Tax Act.

25 (b) No former officer of the executive branch or State  
26 employee of the executive branch with regulatory or licensing

1 authority, or spouse or immediate family member living with  
2 such person, shall, within a period of one year immediately  
3 after termination of State employment, knowingly accept  
4 employment or receive compensation or fees for services from a  
5 person or entity if the officer or State employee, during the  
6 year immediately preceding termination of State employment,  
7 participated personally and substantially in making a  
8 regulatory or licensing decision that directly applied to the  
9 person or entity, or its parent or subsidiary.

10 (c) Within 6 months after the effective date of this  
11 amendatory Act of the 96th General Assembly, each executive  
12 branch constitutional officer and legislative leader, the  
13 Auditor General, and the Joint Committee on Legislative Support  
14 Services shall adopt a policy delineating which State positions  
15 under his or her jurisdiction and control, by the nature of  
16 their duties, may have the authority to participate personally  
17 and substantially in the award of State contracts or in  
18 regulatory or licensing decisions. The Governor shall adopt  
19 such a policy for all State employees of the executive branch  
20 not under the jurisdiction and control of any other executive  
21 branch constitutional officer.

22 The policies required under subsection (c) of this Section  
23 shall be filed with the appropriate ethics commission  
24 established under this Act or, for the Auditor General, with  
25 the Office of the Auditor General.

26 (d) Each Inspector General shall have the authority to

1 determine that additional State positions under his or her  
2 jurisdiction, not otherwise subject to the policies required by  
3 subsection (c) of this Section, are nonetheless subject to the  
4 notification requirement of subsection (f) below due to their  
5 involvement in the award of State contracts or in regulatory or  
6 licensing decisions.

7 (e) The Joint Committee on Legislative Support Services,  
8 the Auditor General, and each of the executive branch  
9 constitutional officers and legislative leaders subject to  
10 subsection (c) of this Section shall provide written  
11 notification to all employees in positions subject to the  
12 policies required by subsection (c) or a determination made  
13 under subsection (d): (1) upon hiring, promotion, or transfer  
14 into the relevant position; and (2) at the time the employee's  
15 duties are changed in such a way as to qualify that employee.  
16 An employee receiving notification must certify in writing that  
17 the person was advised of the prohibition and the requirement  
18 to notify the appropriate Inspector General in subsection (f).

19 (f) Any State employee in a position subject to the  
20 policies required by subsection (c) or to a determination under  
21 subsection (d), but who does not fall within the prohibition of  
22 subsection (h) below, who is offered non-State employment  
23 during State employment or within a period of one year  
24 immediately after termination of State employment shall, prior  
25 to accepting such non-State employment, notify the appropriate  
26 Inspector General. Within 10 calendar days after receiving

1 notification from an employee in a position subject to the  
2 policies required by subsection (c), such Inspector General  
3 shall make a determination as to whether the State employee is  
4 restricted from accepting such employment by subsection (a) or  
5 (b). In making a determination, in addition to any other  
6 relevant information, an Inspector General shall assess the  
7 effect of the prospective employment or relationship upon  
8 decisions referred to in subsections (a) and (b), based on the  
9 totality of the participation by the former officer, member, or  
10 State employee in those decisions. A determination by an  
11 Inspector General must be in writing, signed and dated by the  
12 Inspector General, and delivered to the subject of the  
13 determination within 10 calendar days or the person is deemed  
14 eligible for the employment opportunity. For purposes of this  
15 subsection, "appropriate Inspector General" means (i) for  
16 members and employees of the legislative branch, the  
17 Legislative Inspector General; (ii) for the Auditor General and  
18 employees of the Office of the Auditor General, the Inspector  
19 General provided for in Section 30-5 of this Act; and (iii) for  
20 executive branch officers and employees, the Inspector General  
21 having jurisdiction over the officer or employee. Notice of any  
22 determination of an Inspector General and of any such appeal  
23 shall be given to the ultimate jurisdictional authority, the  
24 Attorney General, and the Executive Ethics Commission.

25 (g) An Inspector General's determination regarding  
26 restrictions under subsection (a) or (b) may be appealed to the

1 appropriate Ethics Commission by the person subject to the  
2 decision or the Attorney General no later than the 10th  
3 calendar day after the date of the determination.

4 On appeal, the Ethics Commission or Auditor General shall  
5 seek, accept, and consider written public comments regarding a  
6 determination. In deciding whether to uphold an Inspector  
7 General's determination, the appropriate Ethics Commission or  
8 Auditor General shall assess, in addition to any other relevant  
9 information, the effect of the prospective employment or  
10 relationship upon the decisions referred to in subsections (a)  
11 and (b), based on the totality of the participation by the  
12 former officer, member, or State employee in those decisions.  
13 The Ethics Commission shall decide whether to uphold an  
14 Inspector General's determination within 10 calendar days or  
15 the person is deemed eligible for the employment opportunity.

16 (h) The following officers, members, or State employees  
17 shall not, within a period of one year immediately after  
18 termination of office or State employment, knowingly accept  
19 employment or receive compensation or fees for services from a  
20 person or entity if the person or entity or its parent or  
21 subsidiary, during the year immediately preceding termination  
22 of State employment, was a party to a State contract or  
23 contracts with a cumulative value of \$25,000 or more involving  
24 the officer, member, or State employee's State agency, or was  
25 the subject of a regulatory or licensing decision involving the  
26 officer, member, or State employee's State agency, regardless

1 of whether he or she participated personally and substantially  
2 in the award of the State contract or contracts or the making  
3 of the regulatory or licensing decision in question:

4 (1) members or officers;

5 (2) members of a commission or board created by the  
6 Illinois Constitution;

7 (3) persons whose appointment to office is subject to  
8 the advice and consent of the Senate;

9 (4) the head of a department, commission, board,  
10 division, bureau, authority, or other administrative unit  
11 within the government of this State;

12 (5) chief procurement officers, State purchasing  
13 officers, and their designees whose duties are directly  
14 related to State procurement; and

15 (6) chiefs of staff, deputy chiefs of staff, associate  
16 chiefs of staff, assistant chiefs of staff, and deputy  
17 governors;

18 ~~(7) employees of the Illinois Racing Board; and~~

19 ~~(8) employees of the Illinois Gaming Board.~~

20 (i) For the purposes of this Section, with respect to  
21 officers or employees of a regional transit board, as defined  
22 in this Act, the phrase "person or entity" does not include:

23 (i) the United States government, (ii) the State, (iii)  
24 municipalities, as defined under Article VII, Section 1 of the  
25 Illinois Constitution, (iv) units of local government, as  
26 defined under Article VII, Section 1 of the Illinois

1 Constitution, or (v) school districts.

2 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19.)

3 Section 10-340. The Alcoholism and Other Drug Abuse and  
4 Dependency Act is amended by changing Section 5-20 as follows:

5 (20 ILCS 301/5-20)

6 Sec. 5-20. Gambling disorders.

7 (a) Subject to appropriation, the Department shall  
8 establish a program for public education, research, and  
9 training regarding gambling disorders and the treatment and  
10 prevention of gambling disorders. Subject to specific  
11 appropriation for these stated purposes, the program must  
12 include all of the following:

13 (1) Establishment and maintenance of a toll-free "800"  
14 telephone number to provide crisis counseling and referral  
15 services to families experiencing difficulty as a result of  
16 gambling disorders.

17 (2) Promotion of public awareness regarding the  
18 recognition and prevention of gambling disorders.

19 (3) Facilitation, through in-service training and  
20 other means, of the availability of effective assistance  
21 programs for gambling disorders.

22 (4) Conducting studies to identify adults and  
23 juveniles in this State who have, or who are at risk of  
24 developing, gambling disorders.

1 (b) Subject to appropriation, the Department shall either  
2 establish and maintain the program or contract with a private  
3 or public entity for the establishment and maintenance of the  
4 program. Subject to appropriation, either the Department or the  
5 private or public entity shall implement the toll-free  
6 telephone number, promote public awareness, and conduct  
7 in-service training concerning gambling disorders.

8 (c) Subject to appropriation, the Department shall produce  
9 and supply the signs specified in Section 10.7 of the Illinois  
10 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of  
11 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1  
12 of the Charitable Games Act, and Section 13.1 of the ~~Illinois~~  
13 Riverboat Gambling Act.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 Section 10-350. The Illinois Lottery Law is amended by  
16 changing Section 9.1 as follows:

17 (20 ILCS 1605/9.1)

18 Sec. 9.1. Private manager and management agreement.

19 (a) As used in this Section:

20 "Offeror" means a person or group of persons that responds  
21 to a request for qualifications under this Section.

22 "Request for qualifications" means all materials and  
23 documents prepared by the Department to solicit the following  
24 from offerors:



1 (1) Statements of qualifications.

2 (2) Proposals to enter into a management agreement,  
3 including the identity of any prospective vendor or vendors  
4 that the offeror intends to initially engage to assist the  
5 offeror in performing its obligations under the management  
6 agreement.

7 "Final offer" means the last proposal submitted by an  
8 offeror in response to the request for qualifications,  
9 including the identity of any prospective vendor or vendors  
10 that the offeror intends to initially engage to assist the  
11 offeror in performing its obligations under the management  
12 agreement.

13 "Final offeror" means the offeror ultimately selected by  
14 the Governor to be the private manager for the Lottery under  
15 subsection (h) of this Section.

16 (b) By September 15, 2010, the Governor shall select a  
17 private manager for the total management of the Lottery with  
18 integrated functions, such as lottery game design, supply of  
19 goods and services, and advertising and as specified in this  
20 Section.

21 (c) Pursuant to the terms of this subsection, the  
22 Department shall endeavor to expeditiously terminate the  
23 existing contracts in support of the Lottery in effect on July  
24 13, 2009 (the effective date of Public Act 96-37) ~~this~~  
25 ~~amendatory Act of the 96th General Assembly~~ in connection with  
26 the selection of the private manager. As part of its obligation

1 to terminate these contracts and select the private manager,  
2 the Department shall establish a mutually agreeable timetable  
3 to transfer the functions of existing contractors to the  
4 private manager so that existing Lottery operations are not  
5 materially diminished or impaired during the transition. To  
6 that end, the Department shall do the following:

7 (1) where such contracts contain a provision  
8 authorizing termination upon notice, the Department shall  
9 provide notice of termination to occur upon the mutually  
10 agreed timetable for transfer of functions;

11 (2) upon the expiration of any initial term or renewal  
12 term of the current Lottery contracts, the Department shall  
13 not renew such contract for a term extending beyond the  
14 mutually agreed timetable for transfer of functions; or

15 (3) in the event any current contract provides for  
16 termination of that contract upon the implementation of a  
17 contract with the private manager, the Department shall  
18 perform all necessary actions to terminate the contract on  
19 the date that coincides with the mutually agreed timetable  
20 for transfer of functions.

21 If the contracts to support the current operation of the  
22 Lottery in effect on July 13, 2009 (the effective date of  
23 Public Act 96-34) ~~this amendatory Act of the 96th General~~  
24 ~~Assembly~~ are not subject to termination as provided for in this  
25 subsection (c), then the Department may include a provision in  
26 the contract with the private manager specifying a mutually

1 agreeable methodology for incorporation.

2 (c-5) The Department shall include provisions in the  
3 management agreement whereby the private manager shall, for a  
4 fee, and pursuant to a contract negotiated with the Department  
5 (the "Employee Use Contract"), utilize the services of current  
6 Department employees to assist in the administration and  
7 operation of the Lottery. The Department shall be the employer  
8 of all such bargaining unit employees assigned to perform such  
9 work for the private manager, and such employees shall be State  
10 employees, as defined by the Personnel Code. Department  
11 employees shall operate under the same employment policies,  
12 rules, regulations, and procedures, as other employees of the  
13 Department. In addition, neither historical representation  
14 rights under the Illinois Public Labor Relations Act, nor  
15 existing collective bargaining agreements, shall be disturbed  
16 by the management agreement with the private manager for the  
17 management of the Lottery.

18 (d) The management agreement with the private manager shall  
19 include all of the following:

20 (1) A term not to exceed 10 years, including any  
21 renewals.

22 (2) A provision specifying that the Department:

23 (A) shall exercise actual control over all  
24 significant business decisions;

25 (A-5) has the authority to direct or countermand  
26 operating decisions by the private manager at any time;

1 (B) has ready access at any time to information  
2 regarding Lottery operations;

3 (C) has the right to demand and receive information  
4 from the private manager concerning any aspect of the  
5 Lottery operations at any time; and

6 (D) retains ownership of all trade names,  
7 trademarks, and intellectual property associated with  
8 the Lottery.

9 (3) A provision imposing an affirmative duty on the  
10 private manager to provide the Department with material  
11 information and with any information the private manager  
12 reasonably believes the Department would want to know to  
13 enable the Department to conduct the Lottery.

14 (4) A provision requiring the private manager to  
15 provide the Department with advance notice of any operating  
16 decision that bears significantly on the public interest,  
17 including, but not limited to, decisions on the kinds of  
18 games to be offered to the public and decisions affecting  
19 the relative risk and reward of the games being offered, so  
20 the Department has a reasonable opportunity to evaluate and  
21 countermand that decision.

22 (5) A provision providing for compensation of the  
23 private manager that may consist of, among other things, a  
24 fee for services and a performance based bonus as  
25 consideration for managing the Lottery, including terms  
26 that may provide the private manager with an increase in

1 compensation if Lottery revenues grow by a specified  
2 percentage in a given year.

3 (6) (Blank).

4 (7) A provision requiring the deposit of all Lottery  
5 proceeds to be deposited into the State Lottery Fund except  
6 as otherwise provided in Section 20 of this Act.

7 (8) A provision requiring the private manager to locate  
8 its principal office within the State.

9 (8-5) A provision encouraging that at least 20% of the  
10 cost of contracts entered into for goods and services by  
11 the private manager in connection with its management of  
12 the Lottery, other than contracts with sales agents or  
13 technical advisors, be awarded to businesses that are a  
14 minority-owned business, a women-owned business, or a  
15 business owned by a person with disability, as those terms  
16 are defined in the Business Enterprise for Minorities,  
17 Women, and Persons with Disabilities Act.

18 (9) A requirement that so long as the private manager  
19 complies with all the conditions of the agreement under the  
20 oversight of the Department, the private manager shall have  
21 the following duties and obligations with respect to the  
22 management of the Lottery:

23 (A) The right to use equipment and other assets  
24 used in the operation of the Lottery.

25 (B) The rights and obligations under contracts  
26 with retailers and vendors.

1 (C) The implementation of a comprehensive security  
2 program by the private manager.

3 (D) The implementation of a comprehensive system  
4 of internal audits.

5 (E) The implementation of a program by the private  
6 manager to curb compulsive gambling by persons playing  
7 the Lottery.

8 (F) A system for determining (i) the type of  
9 Lottery games, (ii) the method of selecting winning  
10 tickets, (iii) the manner of payment of prizes to  
11 holders of winning tickets, (iv) the frequency of  
12 drawings of winning tickets, (v) the method to be used  
13 in selling tickets, (vi) a system for verifying the  
14 validity of tickets claimed to be winning tickets,  
15 (vii) the basis upon which retailer commissions are  
16 established by the manager, and (viii) minimum  
17 payouts.

18 (10) A requirement that advertising and promotion must  
19 be consistent with Section 7.8a of this Act.

20 (11) A requirement that the private manager market the  
21 Lottery to those residents who are new, infrequent, or  
22 lapsed players of the Lottery, especially those who are  
23 most likely to make regular purchases on the Internet as  
24 permitted by law.

25 (12) A code of ethics for the private manager's  
26 officers and employees.

1           (13) A requirement that the Department monitor and  
2           oversee the private manager's practices and take action  
3           that the Department considers appropriate to ensure that  
4           the private manager is in compliance with the terms of the  
5           management agreement, while allowing the manager, unless  
6           specifically prohibited by law or the management  
7           agreement, to negotiate and sign its own contracts with  
8           vendors.

9           (14) A provision requiring the private manager to  
10          periodically file, at least on an annual basis, appropriate  
11          financial statements in a form and manner acceptable to the  
12          Department.

13          (15) Cash reserves requirements.

14          (16) Procedural requirements for obtaining the prior  
15          approval of the Department when a management agreement or  
16          an interest in a management agreement is sold, assigned,  
17          transferred, or pledged as collateral to secure financing.

18          (17) Grounds for the termination of the management  
19          agreement by the Department or the private manager.

20          (18) Procedures for amendment of the agreement.

21          (19) A provision requiring the private manager to  
22          engage in an open and competitive bidding process for any  
23          procurement having a cost in excess of \$50,000 that is not  
24          a part of the private manager's final offer. The process  
25          shall favor the selection of a vendor deemed to have  
26          submitted a proposal that provides the Lottery with the

1 best overall value. The process shall not be subject to the  
2 provisions of the Illinois Procurement Code, unless  
3 specifically required by the management agreement.

4 (20) The transition of rights and obligations,  
5 including any associated equipment or other assets used in  
6 the operation of the Lottery, from the manager to any  
7 successor manager of the lottery, including the  
8 Department, following the termination of or foreclosure  
9 upon the management agreement.

10 (21) Right of use of copyrights, trademarks, and  
11 service marks held by the Department in the name of the  
12 State. The agreement must provide that any use of them by  
13 the manager shall only be for the purpose of fulfilling its  
14 obligations under the management agreement during the term  
15 of the agreement.

16 (22) The disclosure of any information requested by the  
17 Department to enable it to comply with the reporting  
18 requirements and information requests provided for under  
19 subsection (p) of this Section.

20 (e) Notwithstanding any other law to the contrary, the  
21 Department shall select a private manager through a competitive  
22 request for qualifications process consistent with Section  
23 20-35 of the Illinois Procurement Code, which shall take into  
24 account:

25 (1) the offeror's ability to market the Lottery to  
26 those residents who are new, infrequent, or lapsed players



1 of the Lottery, especially those who are most likely to  
2 make regular purchases on the Internet;

3 (2) the offeror's ability to address the State's  
4 concern with the social effects of gambling on those who  
5 can least afford to do so;

6 (3) the offeror's ability to provide the most  
7 successful management of the Lottery for the benefit of the  
8 people of the State based on current and past business  
9 practices or plans of the offeror; and

10 (4) the offeror's poor or inadequate past performance  
11 in servicing, equipping, operating or managing a lottery on  
12 behalf of Illinois, another State or foreign government and  
13 attracting persons who are not currently regular players of  
14 a lottery.

15 (f) The Department may retain the services of an advisor or  
16 advisors with significant experience in financial services or  
17 the management, operation, and procurement of goods, services,  
18 and equipment for a government-run lottery to assist in the  
19 preparation of the terms of the request for qualifications and  
20 selection of the private manager. Any prospective advisor  
21 seeking to provide services under this subsection (f) shall  
22 disclose any material business or financial relationship  
23 during the past 3 years with any potential offeror, or with a  
24 contractor or subcontractor presently providing goods,  
25 services, or equipment to the Department to support the  
26 Lottery. The Department shall evaluate the material business or

1 financial relationship of each prospective advisor. The  
2 Department shall not select any prospective advisor with a  
3 substantial business or financial relationship that the  
4 Department deems to impair the objectivity of the services to  
5 be provided by the prospective advisor. During the course of  
6 the advisor's engagement by the Department, and for a period of  
7 one year thereafter, the advisor shall not enter into any  
8 business or financial relationship with any offeror or any  
9 vendor identified to assist an offeror in performing its  
10 obligations under the management agreement. Any advisor  
11 retained by the Department shall be disqualified from being an  
12 offeror. The Department shall not include terms in the request  
13 for qualifications that provide a material advantage whether  
14 directly or indirectly to any potential offeror, or any  
15 contractor or subcontractor presently providing goods,  
16 services, or equipment to the Department to support the  
17 Lottery, including terms contained in previous responses to  
18 requests for proposals or qualifications submitted to  
19 Illinois, another State or foreign government when those terms  
20 are uniquely associated with a particular potential offeror,  
21 contractor, or subcontractor. The request for proposals  
22 offered by the Department on December 22, 2008 as  
23 "LOT08GAMESYS" and reference number "22016176" is declared  
24 void.

25 (g) The Department shall select at least 2 offerors as  
26 finalists to potentially serve as the private manager no later

1 than August 9, 2010. Upon making preliminary selections, the  
2 Department shall schedule a public hearing on the finalists'  
3 proposals and provide public notice of the hearing at least 7  
4 calendar days before the hearing. The notice must include all  
5 of the following:

6 (1) The date, time, and place of the hearing.

7 (2) The subject matter of the hearing.

8 (3) A brief description of the management agreement to  
9 be awarded.

10 (4) The identity of the offerors that have been  
11 selected as finalists to serve as the private manager.

12 (5) The address and telephone number of the Department.

13 (h) At the public hearing, the Department shall (i) provide  
14 sufficient time for each finalist to present and explain its  
15 proposal to the Department and the Governor or the Governor's  
16 designee, including an opportunity to respond to questions  
17 posed by the Department, Governor, or designee and (ii) allow  
18 the public and non-selected offerors to comment on the  
19 presentations. The Governor or a designee shall attend the  
20 public hearing. After the public hearing, the Department shall  
21 have 14 calendar days to recommend to the Governor whether a  
22 management agreement should be entered into with a particular  
23 finalist. After reviewing the Department's recommendation, the  
24 Governor may accept or reject the Department's recommendation,  
25 and shall select a final offeror as the private manager by  
26 publication of a notice in the Illinois Procurement Bulletin on

1 or before September 15, 2010. The Governor shall include in the  
2 notice a detailed explanation and the reasons why the final  
3 offeror is superior to other offerors and will provide  
4 management services in a manner that best achieves the  
5 objectives of this Section. The Governor shall also sign the  
6 management agreement with the private manager.

7 (i) Any action to contest the private manager selected by  
8 the Governor under this Section must be brought within 7  
9 calendar days after the publication of the notice of the  
10 designation of the private manager as provided in subsection  
11 (h) of this Section.

12 (j) The Lottery shall remain, for so long as a private  
13 manager manages the Lottery in accordance with provisions of  
14 this Act, a Lottery conducted by the State, and the State shall  
15 not be authorized to sell or transfer the Lottery to a third  
16 party.

17 (k) Any tangible personal property used exclusively in  
18 connection with the lottery that is owned by the Department and  
19 leased to the private manager shall be owned by the Department  
20 in the name of the State and shall be considered to be public  
21 property devoted to an essential public and governmental  
22 function.

23 (l) The Department may exercise any of its powers under  
24 this Section or any other law as necessary or desirable for the  
25 execution of the Department's powers under this Section.

26 (m) Neither this Section nor any management agreement

1 entered into under this Section prohibits the General Assembly  
2 from authorizing forms of gambling that are not in direct  
3 competition with the Lottery. ~~The forms of gambling authorized~~  
4 ~~by this amendatory Act of the 101st General Assembly constitute~~  
5 ~~authorized forms of gambling that are not in direct competition~~  
6 ~~with the Lottery.~~

7 (n) The private manager shall be subject to a complete  
8 investigation in the third, seventh, and tenth years of the  
9 agreement (if the agreement is for a 10-year term) by the  
10 Department in cooperation with the Auditor General to determine  
11 whether the private manager has complied with this Section and  
12 the management agreement. The private manager shall bear the  
13 cost of an investigation or reinvestigation of the private  
14 manager under this subsection.

15 (o) The powers conferred by this Section are in addition  
16 and supplemental to the powers conferred by any other law. If  
17 any other law or rule is inconsistent with this Section,  
18 including, but not limited to, provisions of the Illinois  
19 Procurement Code, then this Section controls as to any  
20 management agreement entered into under this Section. This  
21 Section and any rules adopted under this Section contain full  
22 and complete authority for a management agreement between the  
23 Department and a private manager. No law, procedure,  
24 proceeding, publication, notice, consent, approval, order, or  
25 act by the Department or any other officer, Department, agency,  
26 or instrumentality of the State or any political subdivision is

1 required for the Department to enter into a management  
2 agreement under this Section. This Section contains full and  
3 complete authority for the Department to approve any contracts  
4 entered into by a private manager with a vendor providing  
5 goods, services, or both goods and services to the private  
6 manager under the terms of the management agreement, including  
7 subcontractors of such vendors.

8       Upon receipt of a written request from the Chief  
9 Procurement Officer, the Department shall provide to the Chief  
10 Procurement Officer a complete and un-redacted copy of the  
11 management agreement or any contract that is subject to the  
12 Department's approval authority under this subsection (o). The  
13 Department shall provide a copy of the agreement or contract to  
14 the Chief Procurement Officer in the time specified by the  
15 Chief Procurement Officer in his or her written request, but no  
16 later than 5 business days after the request is received by the  
17 Department. The Chief Procurement Officer must retain any  
18 portions of the management agreement or of any contract  
19 designated by the Department as confidential, proprietary, or  
20 trade secret information in complete confidence pursuant to  
21 subsection (g) of Section 7 of the Freedom of Information Act.  
22 The Department shall also provide the Chief Procurement Officer  
23 with reasonable advance written notice of any contract that is  
24 pending Department approval.

25       Notwithstanding any other provision of this Section to the  
26 contrary, the Chief Procurement Officer shall adopt

1 administrative rules, including emergency rules, to establish  
2 a procurement process to select a successor private manager if  
3 a private management agreement has been terminated. The  
4 selection process shall at a minimum take into account the  
5 criteria set forth in items (1) through (4) of subsection (e)  
6 of this Section and may include provisions consistent with  
7 subsections (f), (g), (h), and (i) of this Section. The Chief  
8 Procurement Officer shall also implement and administer the  
9 adopted selection process upon the termination of a private  
10 management agreement. The Department, after the Chief  
11 Procurement Officer certifies that the procurement process has  
12 been followed in accordance with the rules adopted under this  
13 subsection (o), shall select a final offeror as the private  
14 manager and sign the management agreement with the private  
15 manager.

16 Except as provided in Sections 21.5, 21.6, 21.7, 21.8,  
17 21.9, 21.10, ~~21.11~~, 21.12, and 21.13, the Department shall  
18 distribute all proceeds of lottery tickets and shares sold in  
19 the following priority and manner:

20 (1) The payment of prizes and retailer bonuses.

21 (2) The payment of costs incurred in the operation and  
22 administration of the Lottery, including the payment of  
23 sums due to the private manager under the management  
24 agreement with the Department.

25 (3) On the last day of each month or as soon thereafter  
26 as possible, the State Comptroller shall direct and the

1 State Treasurer shall transfer from the State Lottery Fund  
2 to the Common School Fund an amount that is equal to the  
3 proceeds transferred in the corresponding month of fiscal  
4 year 2009, as adjusted for inflation, to the Common School  
5 Fund.

6 (4) On or before September 30 of each fiscal year,  
7 deposit any estimated remaining proceeds from the prior  
8 fiscal year, subject to payments under items (1), (2), and  
9 (3), into the Capital Projects Fund. Beginning in fiscal  
10 year 2019, the amount deposited shall be increased or  
11 decreased each year by the amount the estimated payment  
12 differs from the amount determined from each year-end  
13 financial audit. Only remaining net deficits from prior  
14 fiscal years may reduce the requirement to deposit these  
15 funds, as determined by the annual financial audit.

16 (p) The Department shall be subject to the following  
17 reporting and information request requirements:

18 (1) the Department shall submit written quarterly  
19 reports to the Governor and the General Assembly on the  
20 activities and actions of the private manager selected  
21 under this Section;

22 (2) upon request of the Chief Procurement Officer, the  
23 Department shall promptly produce information related to  
24 the procurement activities of the Department and the  
25 private manager requested by the Chief Procurement  
26 Officer; the Chief Procurement Officer must retain



1 confidential, proprietary, or trade secret information  
2 designated by the Department in complete confidence  
3 pursuant to subsection (g) of Section 7 of the Freedom of  
4 Information Act; and

5 (3) at least 30 days prior to the beginning of the  
6 Department's fiscal year, the Department shall prepare an  
7 annual written report on the activities of the private  
8 manager selected under this Section and deliver that report  
9 to the Governor and General Assembly.

10 (Source: P.A. 100-391, eff. 8-25-17; 100-587, eff. 6-4-18;  
11 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18; 101-31, eff.  
12 6-28-19; 101-81, eff. 7-12-19; 101-561, eff. 8-23-19; revised  
13 10-21-19.)

14 Section 10-360. The Department of Revenue Law of the Civil  
15 Administrative Code of Illinois is amended by changing Section  
16 2505-305 as follows:

17 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

18 Sec. 2505-305. Investigators.

19 (a) The Department has the power to appoint investigators  
20 to conduct all investigations, searches, seizures, arrests,  
21 and other duties imposed under the provisions of any law  
22 administered by the Department. Except as provided in  
23 subsection (c), these investigators have and may exercise all  
24 the powers of peace officers solely for the purpose of

1 enforcing taxing measures administered by the Department.

2 (b) The Director must authorize to each investigator  
3 employed under this Section and to any other employee of the  
4 Department exercising the powers of a peace officer a distinct  
5 badge that, on its face, (i) clearly states that the badge is  
6 authorized by the Department and (ii) contains a unique  
7 identifying number. No other badge shall be authorized by the  
8 Department.

9 (c) The Department may enter into agreements with the  
10 Illinois Gaming Board providing that investigators appointed  
11 under this Section shall exercise the peace officer powers set  
12 forth in paragraph (20.6) of subsection (c) of Section 5 of the  
13 ~~Illinois~~ Riverboat Gambling Act.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 Section 10-370. The State Finance Act is amended by  
16 changing Section 6z-45 as follows:

17 (30 ILCS 105/6z-45)

18 Sec. 6z-45. The School Infrastructure Fund.

19 (a) The School Infrastructure Fund is created as a special  
20 fund in the State Treasury.

21 In addition to any other deposits authorized by law,  
22 beginning January 1, 2000, on the first day of each month, or  
23 as soon thereafter as may be practical, the State Treasurer and  
24 State Comptroller shall transfer the sum of \$5,000,000 from the

1 General Revenue Fund to the School Infrastructure Fund, except  
2 that, notwithstanding any other provision of law, and in  
3 addition to any other transfers that may be provided for by  
4 law, before June 30, 2012, the Comptroller and the Treasurer  
5 shall transfer \$45,000,000 from the General Revenue Fund into  
6 the School Infrastructure Fund, and, for fiscal year 2013 only,  
7 the Treasurer and the Comptroller shall transfer \$1,250,000  
8 from the General Revenue Fund to the School Infrastructure Fund  
9 on the first day of each month; provided, however, that no such  
10 transfers shall be made from July 1, 2001 through June 30,  
11 2003.

12 (a-5) Money in the School Infrastructure Fund may be used  
13 to pay the expenses of the State Board of Education, the  
14 Governor's Office of Management and Budget, and the Capital  
15 Development Board in administering programs under the School  
16 Construction Law, the total expenses not to exceed \$1,315,000  
17 in any fiscal year.

18 (b) Subject to the transfer provisions set forth below,  
19 money in the School Infrastructure Fund shall, if and when the  
20 State of Illinois incurs any bonded indebtedness for the  
21 construction of school improvements under subsection (e) of  
22 Section 5 of the General Obligation Bond Act, be set aside and  
23 used for the purpose of paying and discharging annually the  
24 principal and interest on that bonded indebtedness then due and  
25 payable, and for no other purpose.

26 In addition to other transfers to the General Obligation

1 Bond Retirement and Interest Fund made pursuant to Section 15  
2 of the General Obligation Bond Act, upon each delivery of bonds  
3 issued for construction of school improvements under the School  
4 Construction Law, the State Comptroller shall compute and  
5 certify to the State Treasurer the total amount of principal  
6 of, interest on, and premium, if any, on such bonds during the  
7 then current and each succeeding fiscal year. With respect to  
8 the interest payable on variable rate bonds, such  
9 certifications shall be calculated at the maximum rate of  
10 interest that may be payable during the fiscal year, after  
11 taking into account any credits permitted in the related  
12 indenture or other instrument against the amount of such  
13 interest required to be appropriated for that period.

14 On or before the last day of each month, the State  
15 Treasurer and State Comptroller shall transfer from the School  
16 Infrastructure Fund to the General Obligation Bond Retirement  
17 and Interest Fund an amount sufficient to pay the aggregate of  
18 the principal of, interest on, and premium, if any, on the  
19 bonds payable on their next payment date, divided by the number  
20 of monthly transfers occurring between the last previous  
21 payment date (or the delivery date if no payment date has yet  
22 occurred) and the next succeeding payment date. Interest  
23 payable on variable rate bonds shall be calculated at the  
24 maximum rate of interest that may be payable for the relevant  
25 period, after taking into account any credits permitted in the  
26 related indenture or other instrument against the amount of

1 such interest required to be appropriated for that period.  
2 Interest for which moneys have already been deposited into the  
3 capitalized interest account within the General Obligation  
4 Bond Retirement and Interest Fund shall not be included in the  
5 calculation of the amounts to be transferred under this  
6 subsection.

7 (b-5) The money deposited into the School Infrastructure  
8 Fund from transfers pursuant to subsections (c-30) and (c-35)  
9 of Section 13 of the ~~Illinois~~ Riverboat Gambling Act shall be  
10 applied, without further direction, as provided in subsection  
11 (b-3) of Section 5-35 of the School Construction Law.

12 (c) The surplus, if any, in the School Infrastructure Fund  
13 after payments made pursuant to subsections (a-5), (b), and  
14 (b-5) of this Section shall, subject to appropriation, be used  
15 as follows:

16 First - to make 3 payments to the School Technology  
17 Revolving Loan Fund as follows:

18 Transfer of \$30,000,000 in fiscal year 1999;

19 Transfer of \$20,000,000 in fiscal year 2000; and

20 Transfer of \$10,000,000 in fiscal year 2001.

21 Second - to pay any amounts due for grants for school  
22 construction projects and debt service under the School  
23 Construction Law.

24 Third - to pay any amounts due for grants for school  
25 maintenance projects under the School Construction Law.

26 (Source: P.A. 101-31, eff. 6-28-19.)

1 Section 10-380. The Illinois Income Tax Act is amended by  
2 changing Sections 201, 303, 304, and 710 as follows:

3 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

4 Sec. 201. Tax imposed.

5 (a) In general. A tax measured by net income is hereby  
6 imposed on every individual, corporation, trust and estate for  
7 each taxable year ending after July 31, 1969 on the privilege  
8 of earning or receiving income in or as a resident of this  
9 State. Such tax shall be in addition to all other occupation or  
10 privilege taxes imposed by this State or by any municipal  
11 corporation or political subdivision thereof.

12 (b) Rates. The tax imposed by subsection (a) of this  
13 Section shall be determined as follows, except as adjusted by  
14 subsection (d-1):

15 (1) In the case of an individual, trust or estate, for  
16 taxable years ending prior to July 1, 1989, an amount equal  
17 to 2 1/2% of the taxpayer's net income for the taxable  
18 year.

19 (2) In the case of an individual, trust or estate, for  
20 taxable years beginning prior to July 1, 1989 and ending  
21 after June 30, 1989, an amount equal to the sum of (i) 2  
22 1/2% of the taxpayer's net income for the period prior to  
23 July 1, 1989, as calculated under Section 202.3, and (ii)  
24 3% of the taxpayer's net income for the period after June

1           30, 1989, as calculated under Section 202.3.

2           (3) In the case of an individual, trust or estate, for  
3 taxable years beginning after June 30, 1989, and ending  
4 prior to January 1, 2011, an amount equal to 3% of the  
5 taxpayer's net income for the taxable year.

6           (4) In the case of an individual, trust, or estate, for  
7 taxable years beginning prior to January 1, 2011, and  
8 ending after December 31, 2010, an amount equal to the sum  
9 of (i) 3% of the taxpayer's net income for the period prior  
10 to January 1, 2011, as calculated under Section 202.5, and  
11 (ii) 5% of the taxpayer's net income for the period after  
12 December 31, 2010, as calculated under Section 202.5.

13           (5) In the case of an individual, trust, or estate, for  
14 taxable years beginning on or after January 1, 2011, and  
15 ending prior to January 1, 2015, an amount equal to 5% of  
16 the taxpayer's net income for the taxable year.

17           (5.1) In the case of an individual, trust, or estate,  
18 for taxable years beginning prior to January 1, 2015, and  
19 ending after December 31, 2014, an amount equal to the sum  
20 of (i) 5% of the taxpayer's net income for the period prior  
21 to January 1, 2015, as calculated under Section 202.5, and  
22 (ii) 3.75% of the taxpayer's net income for the period  
23 after December 31, 2014, as calculated under Section 202.5.

24           (5.2) In the case of an individual, trust, or estate,  
25 for taxable years beginning on or after January 1, 2015,  
26 and ending prior to July 1, 2017, an amount equal to 3.75%

1 of the taxpayer's net income for the taxable year.

2 (5.3) In the case of an individual, trust, or estate,  
3 for taxable years beginning prior to July 1, 2017, and  
4 ending after June 30, 2017, an amount equal to the sum of  
5 (i) 3.75% of the taxpayer's net income for the period prior  
6 to July 1, 2017, as calculated under Section 202.5, and  
7 (ii) 4.95% of the taxpayer's net income for the period  
8 after June 30, 2017, as calculated under Section 202.5.

9 (5.4) In the case of an individual, trust, or estate,  
10 for taxable years beginning on or after July 1, 2017, an  
11 amount equal to 4.95% of the taxpayer's net income for the  
12 taxable year.

13 (6) In the case of a corporation, for taxable years  
14 ending prior to July 1, 1989, an amount equal to 4% of the  
15 taxpayer's net income for the taxable year.

16 (7) In the case of a corporation, for taxable years  
17 beginning prior to July 1, 1989 and ending after June 30,  
18 1989, an amount equal to the sum of (i) 4% of the  
19 taxpayer's net income for the period prior to July 1, 1989,  
20 as calculated under Section 202.3, and (ii) 4.8% of the  
21 taxpayer's net income for the period after June 30, 1989,  
22 as calculated under Section 202.3.

23 (8) In the case of a corporation, for taxable years  
24 beginning after June 30, 1989, and ending prior to January  
25 1, 2011, an amount equal to 4.8% of the taxpayer's net  
26 income for the taxable year.



1           (9) In the case of a corporation, for taxable years  
2 beginning prior to January 1, 2011, and ending after  
3 December 31, 2010, an amount equal to the sum of (i) 4.8%  
4 of the taxpayer's net income for the period prior to  
5 January 1, 2011, as calculated under Section 202.5, and  
6 (ii) 7% of the taxpayer's net income for the period after  
7 December 31, 2010, as calculated under Section 202.5.

8           (10) In the case of a corporation, for taxable years  
9 beginning on or after January 1, 2011, and ending prior to  
10 January 1, 2015, an amount equal to 7% of the taxpayer's  
11 net income for the taxable year.

12           (11) In the case of a corporation, for taxable years  
13 beginning prior to January 1, 2015, and ending after  
14 December 31, 2014, an amount equal to the sum of (i) 7% of  
15 the taxpayer's net income for the period prior to January  
16 1, 2015, as calculated under Section 202.5, and (ii) 5.25%  
17 of the taxpayer's net income for the period after December  
18 31, 2014, as calculated under Section 202.5.

19           (12) In the case of a corporation, for taxable years  
20 beginning on or after January 1, 2015, and ending prior to  
21 July 1, 2017, an amount equal to 5.25% of the taxpayer's  
22 net income for the taxable year.

23           (13) In the case of a corporation, for taxable years  
24 beginning prior to July 1, 2017, and ending after June 30,  
25 2017, an amount equal to the sum of (i) 5.25% of the  
26 taxpayer's net income for the period prior to July 1, 2017,

1 as calculated under Section 202.5, and (ii) 7% of the  
2 taxpayer's net income for the period after June 30, 2017,  
3 as calculated under Section 202.5.

4 (14) In the case of a corporation, for taxable years  
5 beginning on or after July 1, 2017, an amount equal to 7%  
6 of the taxpayer's net income for the taxable year.

7 The rates under this subsection (b) are subject to the  
8 provisions of Section 201.5.

9 ~~(b 5) Surcharge; sale or exchange of assets, properties,~~  
10 ~~and intangibles of organization gaming licensees. For each of~~  
11 ~~taxable years 2019 through 2027, a surcharge is imposed on all~~  
12 ~~taxpayers on income arising from the sale or exchange of~~  
13 ~~capital assets, depreciable business property, real property~~  
14 ~~used in the trade or business, and Section 197 intangibles (i)~~  
15 ~~of an organization licensee under the Illinois Horse Racing Act~~  
16 ~~of 1975 and (ii) of an organization gaming licensee under the~~  
17 ~~Illinois Gambling Act. The amount of the surcharge is equal to~~  
18 ~~the amount of federal income tax liability for the taxable year~~  
19 ~~attributable to those sales and exchanges. The surcharge~~  
20 ~~imposed shall not apply if:~~

21 ~~(1) the organization gaming license, organization~~  
22 ~~license, or racetrack property is transferred as a result~~  
23 ~~of any of the following:~~

24 ~~(A) bankruptcy, a receivership, or a debt~~  
25 ~~adjustment initiated by or against the initial~~  
26 ~~licensee or the substantial owners of the initial~~

1           ~~licensee;~~

2                   ~~(B) cancellation, revocation, or termination of~~  
3           ~~any such license by the Illinois Gaming Board or the~~  
4           ~~Illinois Racing Board;~~

5                   ~~(C) a determination by the Illinois Gaming Board~~  
6           ~~that transfer of the license is in the best interests~~  
7           ~~of Illinois gaming;~~

8                   ~~(D) the death of an owner of the equity interest in~~  
9           ~~a licensee;~~

10                   ~~(E) the acquisition of a controlling interest in~~  
11           ~~the stock or substantially all of the assets of a~~  
12           ~~publicly traded company;~~

13                   ~~(F) a transfer by a parent company to a wholly~~  
14           ~~owned subsidiary; or~~

15                   ~~(G) the transfer or sale to or by one person to~~  
16           ~~another person where both persons were initial owners~~  
17           ~~of the license when the license was issued; or~~

18                   ~~(2) the controlling interest in the organization~~  
19           ~~gaming license, organization license, or racetrack~~  
20           ~~property is transferred in a transaction to lineal~~  
21           ~~descendants in which no gain or loss is recognized or as a~~  
22           ~~result of a transaction in accordance with Section 351 of~~  
23           ~~the Internal Revenue Code in which no gain or loss is~~  
24           ~~recognized; or~~

25                   ~~(3) live horse racing was not conducted in 2010 at a~~  
26           ~~racetrack located within 3 miles of the Mississippi River~~

1 ~~under a license issued pursuant to the Illinois Horse~~  
2 ~~Racing Act of 1975.~~

3 ~~The transfer of an organization gaming license,~~  
4 ~~organization license, or racetrack property by a person other~~  
5 ~~than the initial licensee to receive the organization gaming~~  
6 ~~license is not subject to a surcharge. The Department shall~~  
7 ~~adopt rules necessary to implement and administer this~~  
8 ~~subsection.~~

9 (c) Personal Property Tax Replacement Income Tax.  
10 Beginning on July 1, 1979 and thereafter, in addition to such  
11 income tax, there is also hereby imposed the Personal Property  
12 Tax Replacement Income Tax measured by net income on every  
13 corporation (including Subchapter S corporations), partnership  
14 and trust, for each taxable year ending after June 30, 1979.  
15 Such taxes are imposed on the privilege of earning or receiving  
16 income in or as a resident of this State. The Personal Property  
17 Tax Replacement Income Tax shall be in addition to the income  
18 tax imposed by subsections (a) and (b) of this Section and in  
19 addition to all other occupation or privilege taxes imposed by  
20 this State or by any municipal corporation or political  
21 subdivision thereof.

22 (d) Additional Personal Property Tax Replacement Income  
23 Tax Rates. The personal property tax replacement income tax  
24 imposed by this subsection and subsection (c) of this Section  
25 in the case of a corporation, other than a Subchapter S  
26 corporation and except as adjusted by subsection (d-1), shall

1 be an additional amount equal to 2.85% of such taxpayer's net  
2 income for the taxable year, except that beginning on January  
3 1, 1981, and thereafter, the rate of 2.85% specified in this  
4 subsection shall be reduced to 2.5%, and in the case of a  
5 partnership, trust or a Subchapter S corporation shall be an  
6 additional amount equal to 1.5% of such taxpayer's net income  
7 for the taxable year.

8 (d-1) Rate reduction for certain foreign insurers. In the  
9 case of a foreign insurer, as defined by Section 35A-5 of the  
10 Illinois Insurance Code, whose state or country of domicile  
11 imposes on insurers domiciled in Illinois a retaliatory tax  
12 (excluding any insurer whose premiums from reinsurance assumed  
13 are 50% or more of its total insurance premiums as determined  
14 under paragraph (2) of subsection (b) of Section 304, except  
15 that for purposes of this determination premiums from  
16 reinsurance do not include premiums from inter-affiliate  
17 reinsurance arrangements), beginning with taxable years ending  
18 on or after December 31, 1999, the sum of the rates of tax  
19 imposed by subsections (b) and (d) shall be reduced (but not  
20 increased) to the rate at which the total amount of tax imposed  
21 under this Act, net of all credits allowed under this Act,  
22 shall equal (i) the total amount of tax that would be imposed  
23 on the foreign insurer's net income allocable to Illinois for  
24 the taxable year by such foreign insurer's state or country of  
25 domicile if that net income were subject to all income taxes  
26 and taxes measured by net income imposed by such foreign

1 insurer's state or country of domicile, net of all credits  
2 allowed or (ii) a rate of zero if no such tax is imposed on such  
3 income by the foreign insurer's state of domicile. For the  
4 purposes of this subsection (d-1), an inter-affiliate includes  
5 a mutual insurer under common management.

6 (1) For the purposes of subsection (d-1), in no event  
7 shall the sum of the rates of tax imposed by subsections  
8 (b) and (d) be reduced below the rate at which the sum of:

9 (A) the total amount of tax imposed on such foreign  
10 insurer under this Act for a taxable year, net of all  
11 credits allowed under this Act, plus

12 (B) the privilege tax imposed by Section 409 of the  
13 Illinois Insurance Code, the fire insurance company  
14 tax imposed by Section 12 of the Fire Investigation  
15 Act, and the fire department taxes imposed under  
16 Section 11-10-1 of the Illinois Municipal Code,  
17 equals 1.25% for taxable years ending prior to December 31,  
18 2003, or 1.75% for taxable years ending on or after  
19 December 31, 2003, of the net taxable premiums written for  
20 the taxable year, as described by subsection (1) of Section  
21 409 of the Illinois Insurance Code. This paragraph will in  
22 no event increase the rates imposed under subsections (b)  
23 and (d).

24 (2) Any reduction in the rates of tax imposed by this  
25 subsection shall be applied first against the rates imposed  
26 by subsection (b) and only after the tax imposed by

1 subsection (a) net of all credits allowed under this  
2 Section other than the credit allowed under subsection (i)  
3 has been reduced to zero, against the rates imposed by  
4 subsection (d).

5 This subsection (d-1) is exempt from the provisions of  
6 Section 250.

7 (e) Investment credit. A taxpayer shall be allowed a credit  
8 against the Personal Property Tax Replacement Income Tax for  
9 investment in qualified property.

10 (1) A taxpayer shall be allowed a credit equal to .5%  
11 of the basis of qualified property placed in service during  
12 the taxable year, provided such property is placed in  
13 service on or after July 1, 1984. There shall be allowed an  
14 additional credit equal to .5% of the basis of qualified  
15 property placed in service during the taxable year,  
16 provided such property is placed in service on or after  
17 July 1, 1986, and the taxpayer's base employment within  
18 Illinois has increased by 1% or more over the preceding  
19 year as determined by the taxpayer's employment records  
20 filed with the Illinois Department of Employment Security.  
21 Taxpayers who are new to Illinois shall be deemed to have  
22 met the 1% growth in base employment for the first year in  
23 which they file employment records with the Illinois  
24 Department of Employment Security. The provisions added to  
25 this Section by Public Act 85-1200 (and restored by Public  
26 Act 87-895) shall be construed as declaratory of existing

1 law and not as a new enactment. If, in any year, the  
2 increase in base employment within Illinois over the  
3 preceding year is less than 1%, the additional credit shall  
4 be limited to that percentage times a fraction, the  
5 numerator of which is .5% and the denominator of which is  
6 1%, but shall not exceed .5%. The investment credit shall  
7 not be allowed to the extent that it would reduce a  
8 taxpayer's liability in any tax year below zero, nor may  
9 any credit for qualified property be allowed for any year  
10 other than the year in which the property was placed in  
11 service in Illinois. For tax years ending on or after  
12 December 31, 1987, and on or before December 31, 1988, the  
13 credit shall be allowed for the tax year in which the  
14 property is placed in service, or, if the amount of the  
15 credit exceeds the tax liability for that year, whether it  
16 exceeds the original liability or the liability as later  
17 amended, such excess may be carried forward and applied to  
18 the tax liability of the 5 taxable years following the  
19 excess credit years if the taxpayer (i) makes investments  
20 which cause the creation of a minimum of 2,000 full-time  
21 equivalent jobs in Illinois, (ii) is located in an  
22 enterprise zone established pursuant to the Illinois  
23 Enterprise Zone Act and (iii) is certified by the  
24 Department of Commerce and Community Affairs (now  
25 Department of Commerce and Economic Opportunity) as  
26 complying with the requirements specified in clause (i) and



1 (ii) by July 1, 1986. The Department of Commerce and  
2 Community Affairs (now Department of Commerce and Economic  
3 Opportunity) shall notify the Department of Revenue of all  
4 such certifications immediately. For tax years ending  
5 after December 31, 1988, the credit shall be allowed for  
6 the tax year in which the property is placed in service,  
7 or, if the amount of the credit exceeds the tax liability  
8 for that year, whether it exceeds the original liability or  
9 the liability as later amended, such excess may be carried  
10 forward and applied to the tax liability of the 5 taxable  
11 years following the excess credit years. The credit shall  
12 be applied to the earliest year for which there is a  
13 liability. If there is credit from more than one tax year  
14 that is available to offset a liability, earlier credit  
15 shall be applied first.

16 (2) The term "qualified property" means property  
17 which:

18 (A) is tangible, whether new or used, including  
19 buildings and structural components of buildings and  
20 signs that are real property, but not including land or  
21 improvements to real property that are not a structural  
22 component of a building such as landscaping, sewer  
23 lines, local access roads, fencing, parking lots, and  
24 other appurtenances;

25 (B) is depreciable pursuant to Section 167 of the  
26 Internal Revenue Code, except that "3-year property"

1 as defined in Section 168(c)(2)(A) of that Code is not  
2 eligible for the credit provided by this subsection  
3 (e);

4 (C) is acquired by purchase as defined in Section  
5 179(d) of the Internal Revenue Code;

6 (D) is used in Illinois by a taxpayer who is  
7 primarily engaged in manufacturing, or in mining coal  
8 or fluorite, or in retailing, or was placed in service  
9 on or after July 1, 2006 in a River Edge Redevelopment  
10 Zone established pursuant to the River Edge  
11 Redevelopment Zone Act; and

12 (E) has not previously been used in Illinois in  
13 such a manner and by such a person as would qualify for  
14 the credit provided by this subsection (e) or  
15 subsection (f).

16 (3) For purposes of this subsection (e),  
17 "manufacturing" means the material staging and production  
18 of tangible personal property by procedures commonly  
19 regarded as manufacturing, processing, fabrication, or  
20 assembling which changes some existing material into new  
21 shapes, new qualities, or new combinations. For purposes of  
22 this subsection (e) the term "mining" shall have the same  
23 meaning as the term "mining" in Section 613(c) of the  
24 Internal Revenue Code. For purposes of this subsection (e),  
25 the term "retailing" means the sale of tangible personal  
26 property for use or consumption and not for resale, or

1 services rendered in conjunction with the sale of tangible  
2 personal property for use or consumption and not for  
3 resale. For purposes of this subsection (e), "tangible  
4 personal property" has the same meaning as when that term  
5 is used in the Retailers' Occupation Tax Act, and, for  
6 taxable years ending after December 31, 2008, does not  
7 include the generation, transmission, or distribution of  
8 electricity.

9 (4) The basis of qualified property shall be the basis  
10 used to compute the depreciation deduction for federal  
11 income tax purposes.

12 (5) If the basis of the property for federal income tax  
13 depreciation purposes is increased after it has been placed  
14 in service in Illinois by the taxpayer, the amount of such  
15 increase shall be deemed property placed in service on the  
16 date of such increase in basis.

17 (6) The term "placed in service" shall have the same  
18 meaning as under Section 46 of the Internal Revenue Code.

19 (7) If during any taxable year, any property ceases to  
20 be qualified property in the hands of the taxpayer within  
21 48 months after being placed in service, or the situs of  
22 any qualified property is moved outside Illinois within 48  
23 months after being placed in service, the Personal Property  
24 Tax Replacement Income Tax for such taxable year shall be  
25 increased. Such increase shall be determined by (i)  
26 recomputing the investment credit which would have been

1           allowed for the year in which credit for such property was  
2           originally allowed by eliminating such property from such  
3           computation and, (ii) subtracting such recomputed credit  
4           from the amount of credit previously allowed. For the  
5           purposes of this paragraph (7), a reduction of the basis of  
6           qualified property resulting from a redetermination of the  
7           purchase price shall be deemed a disposition of qualified  
8           property to the extent of such reduction.

9           (8) Unless the investment credit is extended by law,  
10          the basis of qualified property shall not include costs  
11          incurred after December 31, 2018, except for costs incurred  
12          pursuant to a binding contract entered into on or before  
13          December 31, 2018.

14          (9) Each taxable year ending before December 31, 2000,  
15          a partnership may elect to pass through to its partners the  
16          credits to which the partnership is entitled under this  
17          subsection (e) for the taxable year. A partner may use the  
18          credit allocated to him or her under this paragraph only  
19          against the tax imposed in subsections (c) and (d) of this  
20          Section. If the partnership makes that election, those  
21          credits shall be allocated among the partners in the  
22          partnership in accordance with the rules set forth in  
23          Section 704(b) of the Internal Revenue Code, and the rules  
24          promulgated under that Section, and the allocated amount of  
25          the credits shall be allowed to the partners for that  
26          taxable year. The partnership shall make this election on

1 its Personal Property Tax Replacement Income Tax return for  
2 that taxable year. The election to pass through the credits  
3 shall be irrevocable.

4 For taxable years ending on or after December 31, 2000,  
5 a partner that qualifies its partnership for a subtraction  
6 under subparagraph (I) of paragraph (2) of subsection (d)  
7 of Section 203 or a shareholder that qualifies a Subchapter  
8 S corporation for a subtraction under subparagraph (S) of  
9 paragraph (2) of subsection (b) of Section 203 shall be  
10 allowed a credit under this subsection (e) equal to its  
11 share of the credit earned under this subsection (e) during  
12 the taxable year by the partnership or Subchapter S  
13 corporation, determined in accordance with the  
14 determination of income and distributive share of income  
15 under Sections 702 and 704 and Subchapter S of the Internal  
16 Revenue Code. This paragraph is exempt from the provisions  
17 of Section 250.

18 (f) Investment credit; Enterprise Zone; River Edge  
19 Redevelopment Zone.

20 (1) A taxpayer shall be allowed a credit against the  
21 tax imposed by subsections (a) and (b) of this Section for  
22 investment in qualified property which is placed in service  
23 in an Enterprise Zone created pursuant to the Illinois  
24 Enterprise Zone Act or, for property placed in service on  
25 or after July 1, 2006, a River Edge Redevelopment Zone  
26 established pursuant to the River Edge Redevelopment Zone

1 Act. For partners, shareholders of Subchapter S  
2 corporations, and owners of limited liability companies,  
3 if the liability company is treated as a partnership for  
4 purposes of federal and State income taxation, there shall  
5 be allowed a credit under this subsection (f) to be  
6 determined in accordance with the determination of income  
7 and distributive share of income under Sections 702 and 704  
8 and Subchapter S of the Internal Revenue Code. The credit  
9 shall be .5% of the basis for such property. The credit  
10 shall be available only in the taxable year in which the  
11 property is placed in service in the Enterprise Zone or  
12 River Edge Redevelopment Zone and shall not be allowed to  
13 the extent that it would reduce a taxpayer's liability for  
14 the tax imposed by subsections (a) and (b) of this Section  
15 to below zero. For tax years ending on or after December  
16 31, 1985, the credit shall be allowed for the tax year in  
17 which the property is placed in service, or, if the amount  
18 of the credit exceeds the tax liability for that year,  
19 whether it exceeds the original liability or the liability  
20 as later amended, such excess may be carried forward and  
21 applied to the tax liability of the 5 taxable years  
22 following the excess credit year. The credit shall be  
23 applied to the earliest year for which there is a  
24 liability. If there is credit from more than one tax year  
25 that is available to offset a liability, the credit  
26 accruing first in time shall be applied first.

1 (2) The term qualified property means property which:

2 (A) is tangible, whether new or used, including  
3 buildings and structural components of buildings;

4 (B) is depreciable pursuant to Section 167 of the  
5 Internal Revenue Code, except that "3-year property"  
6 as defined in Section 168(c)(2)(A) of that Code is not  
7 eligible for the credit provided by this subsection  
8 (f);

9 (C) is acquired by purchase as defined in Section  
10 179(d) of the Internal Revenue Code;

11 (D) is used in the Enterprise Zone or River Edge  
12 Redevelopment Zone by the taxpayer; and

13 (E) has not been previously used in Illinois in  
14 such a manner and by such a person as would qualify for  
15 the credit provided by this subsection (f) or  
16 subsection (e).

17 (3) The basis of qualified property shall be the basis  
18 used to compute the depreciation deduction for federal  
19 income tax purposes.

20 (4) If the basis of the property for federal income tax  
21 depreciation purposes is increased after it has been placed  
22 in service in the Enterprise Zone or River Edge  
23 Redevelopment Zone by the taxpayer, the amount of such  
24 increase shall be deemed property placed in service on the  
25 date of such increase in basis.

26 (5) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

2 (6) If during any taxable year, any property ceases to  
3 be qualified property in the hands of the taxpayer within  
4 48 months after being placed in service, or the situs of  
5 any qualified property is moved outside the Enterprise Zone  
6 or River Edge Redevelopment Zone within 48 months after  
7 being placed in service, the tax imposed under subsections  
8 (a) and (b) of this Section for such taxable year shall be  
9 increased. Such increase shall be determined by (i)  
10 recomputing the investment credit which would have been  
11 allowed for the year in which credit for such property was  
12 originally allowed by eliminating such property from such  
13 computation, and (ii) subtracting such recomputed credit  
14 from the amount of credit previously allowed. For the  
15 purposes of this paragraph (6), a reduction of the basis of  
16 qualified property resulting from a redetermination of the  
17 purchase price shall be deemed a disposition of qualified  
18 property to the extent of such reduction.

19 (7) There shall be allowed an additional credit equal  
20 to 0.5% of the basis of qualified property placed in  
21 service during the taxable year in a River Edge  
22 Redevelopment Zone, provided such property is placed in  
23 service on or after July 1, 2006, and the taxpayer's base  
24 employment within Illinois has increased by 1% or more over  
25 the preceding year as determined by the taxpayer's  
26 employment records filed with the Illinois Department of



1           Employment Security. Taxpayers who are new to Illinois  
2           shall be deemed to have met the 1% growth in base  
3           employment for the first year in which they file employment  
4           records with the Illinois Department of Employment  
5           Security. If, in any year, the increase in base employment  
6           within Illinois over the preceding year is less than 1%,  
7           the additional credit shall be limited to that percentage  
8           times a fraction, the numerator of which is 0.5% and the  
9           denominator of which is 1%, but shall not exceed 0.5%.

10          (g) (Blank).

11          (h) Investment credit; High Impact Business.

12                 (1) Subject to subsections (b) and (b-5) of Section 5.5  
13                 of the Illinois Enterprise Zone Act, a taxpayer shall be  
14                 allowed a credit against the tax imposed by subsections (a)  
15                 and (b) of this Section for investment in qualified  
16                 property which is placed in service by a Department of  
17                 Commerce and Economic Opportunity designated High Impact  
18                 Business. The credit shall be .5% of the basis for such  
19                 property. The credit shall not be available (i) until the  
20                 minimum investments in qualified property set forth in  
21                 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
22                 Enterprise Zone Act have been satisfied or (ii) until the  
23                 time authorized in subsection (b-5) of the Illinois  
24                 Enterprise Zone Act for entities designated as High Impact  
25                 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and  
26                 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone

1 Act, and shall not be allowed to the extent that it would  
2 reduce a taxpayer's liability for the tax imposed by  
3 subsections (a) and (b) of this Section to below zero. The  
4 credit applicable to such investments shall be taken in the  
5 taxable year in which such investments have been completed.  
6 The credit for additional investments beyond the minimum  
7 investment by a designated high impact business authorized  
8 under subdivision (a) (3) (A) of Section 5.5 of the Illinois  
9 Enterprise Zone Act shall be available only in the taxable  
10 year in which the property is placed in service and shall  
11 not be allowed to the extent that it would reduce a  
12 taxpayer's liability for the tax imposed by subsections (a)  
13 and (b) of this Section to below zero. For tax years ending  
14 on or after December 31, 1987, the credit shall be allowed  
15 for the tax year in which the property is placed in  
16 service, or, if the amount of the credit exceeds the tax  
17 liability for that year, whether it exceeds the original  
18 liability or the liability as later amended, such excess  
19 may be carried forward and applied to the tax liability of  
20 the 5 taxable years following the excess credit year. The  
21 credit shall be applied to the earliest year for which  
22 there is a liability. If there is credit from more than one  
23 tax year that is available to offset a liability, the  
24 credit accruing first in time shall be applied first.

25 Changes made in this subdivision (h) (1) by Public Act  
26 88-670 restore changes made by Public Act 85-1182 and

1 reflect existing law.

2 (2) The term qualified property means property which:

3 (A) is tangible, whether new or used, including  
4 buildings and structural components of buildings;

5 (B) is depreciable pursuant to Section 167 of the  
6 Internal Revenue Code, except that "3-year property"  
7 as defined in Section 168(c)(2)(A) of that Code is not  
8 eligible for the credit provided by this subsection  
9 (h);

10 (C) is acquired by purchase as defined in Section  
11 179(d) of the Internal Revenue Code; and

12 (D) is not eligible for the Enterprise Zone  
13 Investment Credit provided by subsection (f) of this  
14 Section.

15 (3) The basis of qualified property shall be the basis  
16 used to compute the depreciation deduction for federal  
17 income tax purposes.

18 (4) If the basis of the property for federal income tax  
19 depreciation purposes is increased after it has been placed  
20 in service in a federally designated Foreign Trade Zone or  
21 Sub-Zone located in Illinois by the taxpayer, the amount of  
22 such increase shall be deemed property placed in service on  
23 the date of such increase in basis.

24 (5) The term "placed in service" shall have the same  
25 meaning as under Section 46 of the Internal Revenue Code.

26 (6) If during any taxable year ending on or before

1 December 31, 1996, any property ceases to be qualified  
2 property in the hands of the taxpayer within 48 months  
3 after being placed in service, or the situs of any  
4 qualified property is moved outside Illinois within 48  
5 months after being placed in service, the tax imposed under  
6 subsections (a) and (b) of this Section for such taxable  
7 year shall be increased. Such increase shall be determined  
8 by (i) recomputing the investment credit which would have  
9 been allowed for the year in which credit for such property  
10 was originally allowed by eliminating such property from  
11 such computation, and (ii) subtracting such recomputed  
12 credit from the amount of credit previously allowed. For  
13 the purposes of this paragraph (6), a reduction of the  
14 basis of qualified property resulting from a  
15 redetermination of the purchase price shall be deemed a  
16 disposition of qualified property to the extent of such  
17 reduction.

18 (7) Beginning with tax years ending after December 31,  
19 1996, if a taxpayer qualifies for the credit under this  
20 subsection (h) and thereby is granted a tax abatement and  
21 the taxpayer relocates its entire facility in violation of  
22 the explicit terms and length of the contract under Section  
23 18-183 of the Property Tax Code, the tax imposed under  
24 subsections (a) and (b) of this Section shall be increased  
25 for the taxable year in which the taxpayer relocated its  
26 facility by an amount equal to the amount of credit

1 received by the taxpayer under this subsection (h).

2 (i) Credit for Personal Property Tax Replacement Income  
3 Tax. For tax years ending prior to December 31, 2003, a credit  
4 shall be allowed against the tax imposed by subsections (a) and  
5 (b) of this Section for the tax imposed by subsections (c) and  
6 (d) of this Section. This credit shall be computed by  
7 multiplying the tax imposed by subsections (c) and (d) of this  
8 Section by a fraction, the numerator of which is base income  
9 allocable to Illinois and the denominator of which is Illinois  
10 base income, and further multiplying the product by the tax  
11 rate imposed by subsections (a) and (b) of this Section.

12 Any credit earned on or after December 31, 1986 under this  
13 subsection which is unused in the year the credit is computed  
14 because it exceeds the tax liability imposed by subsections (a)  
15 and (b) for that year (whether it exceeds the original  
16 liability or the liability as later amended) may be carried  
17 forward and applied to the tax liability imposed by subsections  
18 (a) and (b) of the 5 taxable years following the excess credit  
19 year, provided that no credit may be carried forward to any  
20 year ending on or after December 31, 2003. This credit shall be  
21 applied first to the earliest year for which there is a  
22 liability. If there is a credit under this subsection from more  
23 than one tax year that is available to offset a liability the  
24 earliest credit arising under this subsection shall be applied  
25 first.

26 If, during any taxable year ending on or after December 31,

1 1986, the tax imposed by subsections (c) and (d) of this  
2 Section for which a taxpayer has claimed a credit under this  
3 subsection (i) is reduced, the amount of credit for such tax  
4 shall also be reduced. Such reduction shall be determined by  
5 recomputing the credit to take into account the reduced tax  
6 imposed by subsections (c) and (d). If any portion of the  
7 reduced amount of credit has been carried to a different  
8 taxable year, an amended return shall be filed for such taxable  
9 year to reduce the amount of credit claimed.

10 (j) Training expense credit. Beginning with tax years  
11 ending on or after December 31, 1986 and prior to December 31,  
12 2003, a taxpayer shall be allowed a credit against the tax  
13 imposed by subsections (a) and (b) under this Section for all  
14 amounts paid or accrued, on behalf of all persons employed by  
15 the taxpayer in Illinois or Illinois residents employed outside  
16 of Illinois by a taxpayer, for educational or vocational  
17 training in semi-technical or technical fields or semi-skilled  
18 or skilled fields, which were deducted from gross income in the  
19 computation of taxable income. The credit against the tax  
20 imposed by subsections (a) and (b) shall be 1.6% of such  
21 training expenses. For partners, shareholders of subchapter S  
22 corporations, and owners of limited liability companies, if the  
23 liability company is treated as a partnership for purposes of  
24 federal and State income taxation, there shall be allowed a  
25 credit under this subsection (j) to be determined in accordance  
26 with the determination of income and distributive share of

1 income under Sections 702 and 704 and subchapter S of the  
2 Internal Revenue Code.

3 Any credit allowed under this subsection which is unused in  
4 the year the credit is earned may be carried forward to each of  
5 the 5 taxable years following the year for which the credit is  
6 first computed until it is used. This credit shall be applied  
7 first to the earliest year for which there is a liability. If  
8 there is a credit under this subsection from more than one tax  
9 year that is available to offset a liability the earliest  
10 credit arising under this subsection shall be applied first. No  
11 carryforward credit may be claimed in any tax year ending on or  
12 after December 31, 2003.

13 (k) Research and development credit. For tax years ending  
14 after July 1, 1990 and prior to December 31, 2003, and  
15 beginning again for tax years ending on or after December 31,  
16 2004, and ending prior to January 1, 2022, a taxpayer shall be  
17 allowed a credit against the tax imposed by subsections (a) and  
18 (b) of this Section for increasing research activities in this  
19 State. The credit allowed against the tax imposed by  
20 subsections (a) and (b) shall be equal to 6 1/2% of the  
21 qualifying expenditures for increasing research activities in  
22 this State. For partners, shareholders of subchapter S  
23 corporations, and owners of limited liability companies, if the  
24 liability company is treated as a partnership for purposes of  
25 federal and State income taxation, there shall be allowed a  
26 credit under this subsection to be determined in accordance

1 with the determination of income and distributive share of  
2 income under Sections 702 and 704 and subchapter S of the  
3 Internal Revenue Code.

4 For purposes of this subsection, "qualifying expenditures"  
5 means the qualifying expenditures as defined for the federal  
6 credit for increasing research activities which would be  
7 allowable under Section 41 of the Internal Revenue Code and  
8 which are conducted in this State, "qualifying expenditures for  
9 increasing research activities in this State" means the excess  
10 of qualifying expenditures for the taxable year in which  
11 incurred over qualifying expenditures for the base period,  
12 "qualifying expenditures for the base period" means the average  
13 of the qualifying expenditures for each year in the base  
14 period, and "base period" means the 3 taxable years immediately  
15 preceding the taxable year for which the determination is being  
16 made.

17 Any credit in excess of the tax liability for the taxable  
18 year may be carried forward. A taxpayer may elect to have the  
19 unused credit shown on its final completed return carried over  
20 as a credit against the tax liability for the following 5  
21 taxable years or until it has been fully used, whichever occurs  
22 first; provided that no credit earned in a tax year ending  
23 prior to December 31, 2003 may be carried forward to any year  
24 ending on or after December 31, 2003.

25 If an unused credit is carried forward to a given year from  
26 2 or more earlier years, that credit arising in the earliest



1 year will be applied first against the tax liability for the  
2 given year. If a tax liability for the given year still  
3 remains, the credit from the next earliest year will then be  
4 applied, and so on, until all credits have been used or no tax  
5 liability for the given year remains. Any remaining unused  
6 credit or credits then will be carried forward to the next  
7 following year in which a tax liability is incurred, except  
8 that no credit can be carried forward to a year which is more  
9 than 5 years after the year in which the expense for which the  
10 credit is given was incurred.

11 No inference shall be drawn from this amendatory Act of the  
12 91st General Assembly in construing this Section for taxable  
13 years beginning before January 1, 1999.

14 It is the intent of the General Assembly that the research  
15 and development credit under this subsection (k) shall apply  
16 continuously for all tax years ending on or after December 31,  
17 2004 and ending prior to January 1, 2022, including, but not  
18 limited to, the period beginning on January 1, 2016 and ending  
19 on the effective date of this amendatory Act of the 100th  
20 General Assembly. All actions taken in reliance on the  
21 continuation of the credit under this subsection (k) by any  
22 taxpayer are hereby validated.

23 (l) Environmental Remediation Tax Credit.

24 (i) For tax years ending after December 31, 1997 and on  
25 or before December 31, 2001, a taxpayer shall be allowed a  
26 credit against the tax imposed by subsections (a) and (b)

1 of this Section for certain amounts paid for unreimbursed  
2 eligible remediation costs, as specified in this  
3 subsection. For purposes of this Section, "unreimbursed  
4 eligible remediation costs" means costs approved by the  
5 Illinois Environmental Protection Agency ("Agency") under  
6 Section 58.14 of the Environmental Protection Act that were  
7 paid in performing environmental remediation at a site for  
8 which a No Further Remediation Letter was issued by the  
9 Agency and recorded under Section 58.10 of the  
10 Environmental Protection Act. The credit must be claimed  
11 for the taxable year in which Agency approval of the  
12 eligible remediation costs is granted. The credit is not  
13 available to any taxpayer if the taxpayer or any related  
14 party caused or contributed to, in any material respect, a  
15 release of regulated substances on, in, or under the site  
16 that was identified and addressed by the remedial action  
17 pursuant to the Site Remediation Program of the  
18 Environmental Protection Act. After the Pollution Control  
19 Board rules are adopted pursuant to the Illinois  
20 Administrative Procedure Act for the administration and  
21 enforcement of Section 58.9 of the Environmental  
22 Protection Act, determinations as to credit availability  
23 for purposes of this Section shall be made consistent with  
24 those rules. For purposes of this Section, "taxpayer"  
25 includes a person whose tax attributes the taxpayer has  
26 succeeded to under Section 381 of the Internal Revenue Code

1 and "related party" includes the persons disallowed a  
2 deduction for losses by paragraphs (b), (c), and (f)(1) of  
3 Section 267 of the Internal Revenue Code by virtue of being  
4 a related taxpayer, as well as any of its partners. The  
5 credit allowed against the tax imposed by subsections (a)  
6 and (b) shall be equal to 25% of the unreimbursed eligible  
7 remediation costs in excess of \$100,000 per site, except  
8 that the \$100,000 threshold shall not apply to any site  
9 contained in an enterprise zone as determined by the  
10 Department of Commerce and Community Affairs (now  
11 Department of Commerce and Economic Opportunity). The  
12 total credit allowed shall not exceed \$40,000 per year with  
13 a maximum total of \$150,000 per site. For partners and  
14 shareholders of subchapter S corporations, there shall be  
15 allowed a credit under this subsection to be determined in  
16 accordance with the determination of income and  
17 distributive share of income under Sections 702 and 704 and  
18 subchapter S of the Internal Revenue Code.

19 (ii) A credit allowed under this subsection that is  
20 unused in the year the credit is earned may be carried  
21 forward to each of the 5 taxable years following the year  
22 for which the credit is first earned until it is used. The  
23 term "unused credit" does not include any amounts of  
24 unreimbursed eligible remediation costs in excess of the  
25 maximum credit per site authorized under paragraph (i).  
26 This credit shall be applied first to the earliest year for

1           which there is a liability. If there is a credit under this  
2           subsection from more than one tax year that is available to  
3           offset a liability, the earliest credit arising under this  
4           subsection shall be applied first. A credit allowed under  
5           this subsection may be sold to a buyer as part of a sale of  
6           all or part of the remediation site for which the credit  
7           was granted. The purchaser of a remediation site and the  
8           tax credit shall succeed to the unused credit and remaining  
9           carry-forward period of the seller. To perfect the  
10          transfer, the assignor shall record the transfer in the  
11          chain of title for the site and provide written notice to  
12          the Director of the Illinois Department of Revenue of the  
13          assignor's intent to sell the remediation site and the  
14          amount of the tax credit to be transferred as a portion of  
15          the sale. In no event may a credit be transferred to any  
16          taxpayer if the taxpayer or a related party would not be  
17          eligible under the provisions of subsection (i).

18                 (iii) For purposes of this Section, the term "site"  
19                 shall have the same meaning as under Section 58.2 of the  
20                 Environmental Protection Act.

21                 (m) Education expense credit. Beginning with tax years  
22                 ending after December 31, 1999, a taxpayer who is the custodian  
23                 of one or more qualifying pupils shall be allowed a credit  
24                 against the tax imposed by subsections (a) and (b) of this  
25                 Section for qualified education expenses incurred on behalf of  
26                 the qualifying pupils. The credit shall be equal to 25% of

1 qualified education expenses, but in no event may the total  
2 credit under this subsection claimed by a family that is the  
3 custodian of qualifying pupils exceed (i) \$500 for tax years  
4 ending prior to December 31, 2017, and (ii) \$750 for tax years  
5 ending on or after December 31, 2017. In no event shall a  
6 credit under this subsection reduce the taxpayer's liability  
7 under this Act to less than zero. Notwithstanding any other  
8 provision of law, for taxable years beginning on or after  
9 January 1, 2017, no taxpayer may claim a credit under this  
10 subsection (m) if the taxpayer's adjusted gross income for the  
11 taxable year exceeds (i) \$500,000, in the case of spouses  
12 filing a joint federal tax return or (ii) \$250,000, in the case  
13 of all other taxpayers. This subsection is exempt from the  
14 provisions of Section 250 of this Act.

15 For purposes of this subsection:

16 "Qualifying pupils" means individuals who (i) are  
17 residents of the State of Illinois, (ii) are under the age of  
18 21 at the close of the school year for which a credit is  
19 sought, and (iii) during the school year for which a credit is  
20 sought were full-time pupils enrolled in a kindergarten through  
21 twelfth grade education program at any school, as defined in  
22 this subsection.

23 "Qualified education expense" means the amount incurred on  
24 behalf of a qualifying pupil in excess of \$250 for tuition,  
25 book fees, and lab fees at the school in which the pupil is  
26 enrolled during the regular school year.

1 "School" means any public or nonpublic elementary or  
2 secondary school in Illinois that is in compliance with Title  
3 VI of the Civil Rights Act of 1964 and attendance at which  
4 satisfies the requirements of Section 26-1 of the School Code,  
5 except that nothing shall be construed to require a child to  
6 attend any particular public or nonpublic school to qualify for  
7 the credit under this Section.

8 "Custodian" means, with respect to qualifying pupils, an  
9 Illinois resident who is a parent, the parents, a legal  
10 guardian, or the legal guardians of the qualifying pupils.

11 (n) River Edge Redevelopment Zone site remediation tax  
12 credit.

13 (i) For tax years ending on or after December 31, 2006,  
14 a taxpayer shall be allowed a credit against the tax  
15 imposed by subsections (a) and (b) of this Section for  
16 certain amounts paid for unreimbursed eligible remediation  
17 costs, as specified in this subsection. For purposes of  
18 this Section, "unreimbursed eligible remediation costs"  
19 means costs approved by the Illinois Environmental  
20 Protection Agency ("Agency") under Section 58.14a of the  
21 Environmental Protection Act that were paid in performing  
22 environmental remediation at a site within a River Edge  
23 Redevelopment Zone for which a No Further Remediation  
24 Letter was issued by the Agency and recorded under Section  
25 58.10 of the Environmental Protection Act. The credit must  
26 be claimed for the taxable year in which Agency approval of

1 the eligible remediation costs is granted. The credit is  
2 not available to any taxpayer if the taxpayer or any  
3 related party caused or contributed to, in any material  
4 respect, a release of regulated substances on, in, or under  
5 the site that was identified and addressed by the remedial  
6 action pursuant to the Site Remediation Program of the  
7 Environmental Protection Act. Determinations as to credit  
8 availability for purposes of this Section shall be made  
9 consistent with rules adopted by the Pollution Control  
10 Board pursuant to the Illinois Administrative Procedure  
11 Act for the administration and enforcement of Section 58.9  
12 of the Environmental Protection Act. For purposes of this  
13 Section, "taxpayer" includes a person whose tax attributes  
14 the taxpayer has succeeded to under Section 381 of the  
15 Internal Revenue Code and "related party" includes the  
16 persons disallowed a deduction for losses by paragraphs  
17 (b), (c), and (f) (1) of Section 267 of the Internal Revenue  
18 Code by virtue of being a related taxpayer, as well as any  
19 of its partners. The credit allowed against the tax imposed  
20 by subsections (a) and (b) shall be equal to 25% of the  
21 unreimbursed eligible remediation costs in excess of  
22 \$100,000 per site.

23 (ii) A credit allowed under this subsection that is  
24 unused in the year the credit is earned may be carried  
25 forward to each of the 5 taxable years following the year  
26 for which the credit is first earned until it is used. This

1 credit shall be applied first to the earliest year for  
2 which there is a liability. If there is a credit under this  
3 subsection from more than one tax year that is available to  
4 offset a liability, the earliest credit arising under this  
5 subsection shall be applied first. A credit allowed under  
6 this subsection may be sold to a buyer as part of a sale of  
7 all or part of the remediation site for which the credit  
8 was granted. The purchaser of a remediation site and the  
9 tax credit shall succeed to the unused credit and remaining  
10 carry-forward period of the seller. To perfect the  
11 transfer, the assignor shall record the transfer in the  
12 chain of title for the site and provide written notice to  
13 the Director of the Illinois Department of Revenue of the  
14 assignor's intent to sell the remediation site and the  
15 amount of the tax credit to be transferred as a portion of  
16 the sale. In no event may a credit be transferred to any  
17 taxpayer if the taxpayer or a related party would not be  
18 eligible under the provisions of subsection (i).

19 (iii) For purposes of this Section, the term "site"  
20 shall have the same meaning as under Section 58.2 of the  
21 Environmental Protection Act.

22 (o) For each of taxable years during the Compassionate Use  
23 of Medical Cannabis Pilot Program, a surcharge is imposed on  
24 all taxpayers on income arising from the sale or exchange of  
25 capital assets, depreciable business property, real property  
26 used in the trade or business, and Section 197 intangibles of



1 an organization registrant under the Compassionate Use of  
2 Medical Cannabis Pilot Program Act. The amount of the surcharge  
3 is equal to the amount of federal income tax liability for the  
4 taxable year attributable to those sales and exchanges. The  
5 surcharge imposed does not apply if:

6 (1) the medical cannabis cultivation center  
7 registration, medical cannabis dispensary registration, or  
8 the property of a registration is transferred as a result  
9 of any of the following:

10 (A) bankruptcy, a receivership, or a debt  
11 adjustment initiated by or against the initial  
12 registration or the substantial owners of the initial  
13 registration;

14 (B) cancellation, revocation, or termination of  
15 any registration by the Illinois Department of Public  
16 Health;

17 (C) a determination by the Illinois Department of  
18 Public Health that transfer of the registration is in  
19 the best interests of Illinois qualifying patients as  
20 defined by the Compassionate Use of Medical Cannabis  
21 Pilot Program Act;

22 (D) the death of an owner of the equity interest in  
23 a registrant;

24 (E) the acquisition of a controlling interest in  
25 the stock or substantially all of the assets of a  
26 publicly traded company;

1 (F) a transfer by a parent company to a wholly  
2 owned subsidiary; or

3 (G) the transfer or sale to or by one person to  
4 another person where both persons were initial owners  
5 of the registration when the registration was issued;  
6 or

7 (2) the cannabis cultivation center registration,  
8 medical cannabis dispensary registration, or the  
9 controlling interest in a registrant's property is  
10 transferred in a transaction to lineal descendants in which  
11 no gain or loss is recognized or as a result of a  
12 transaction in accordance with Section 351 of the Internal  
13 Revenue Code in which no gain or loss is recognized.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (35 ILCS 5/303) (from Ch. 120, par. 3-303)

16 Sec. 303. (a) In general. Any item of capital gain or loss,  
17 and any item of income from rents or royalties from real or  
18 tangible personal property, interest, dividends, and patent or  
19 copyright royalties, and prizes awarded under the Illinois  
20 Lottery Law, ~~and, for taxable years ending on or after December~~  
21 ~~31, 2019, wagering and gambling winnings from Illinois sources~~  
22 ~~as set forth in subsection (c-1) of this Section,~~ to the extent  
23 such item constitutes nonbusiness income, together with any  
24 item of deduction directly allocable thereto, shall be  
25 allocated by any person other than a resident as provided in

1 this Section.

2 (b) Capital gains and losses.

3 (1) Real property. Capital gains and losses from sales  
4 or exchanges of real property are allocable to this State  
5 if the property is located in this State.

6 (2) Tangible personal property. Capital gains and  
7 losses from sales or exchanges of tangible personal  
8 property are allocable to this State if, at the time of  
9 such sale or exchange:

10 (A) The property had its situs in this State; or

11 (B) The taxpayer had its commercial domicile in  
12 this State and was not taxable in the state in which  
13 the property had its situs.

14 (3) Intangibles. Capital gains and losses from sales or  
15 exchanges of intangible personal property are allocable to  
16 this State if the taxpayer had its commercial domicile in  
17 this State at the time of such sale or exchange.

18 (c) Rents and royalties.

19 (1) Real property. Rents and royalties from real  
20 property are allocable to this State if the property is  
21 located in this State.

22 (2) Tangible personal property. Rents and royalties  
23 from tangible personal property are allocable to this  
24 State:

25 (A) If and to the extent that the property is  
26 utilized in this State; or

1           (B) In their entirety if, at the time such rents or  
2 royalties were paid or accrued, the taxpayer had its  
3 commercial domicile in this State and was not organized  
4 under the laws of or taxable with respect to such rents  
5 or royalties in the state in which the property was  
6 utilized. The extent of utilization of tangible  
7 personal property in a state is determined by  
8 multiplying the rents or royalties derived from such  
9 property by a fraction, the numerator of which is the  
10 number of days of physical location of the property in  
11 the state during the rental or royalty period in the  
12 taxable year and the denominator of which is the number  
13 of days of physical location of the property everywhere  
14 during all rental or royalty periods in the taxable  
15 year. If the physical location of the property during  
16 the rental or royalty period is unknown or  
17 unascertainable by the taxpayer, tangible personal  
18 property is utilized in the state in which the property  
19 was located at the time the rental or royalty payer  
20 obtained possession.

21 (d) Patent and copyright royalties.

22           (1) Allocation. Patent and copyright royalties are  
23 allocable to this State:

24           (A) If and to the extent that the patent or  
25 copyright is utilized by the payer in this State; or

26           (B) If and to the extent that the patent or

1 copyright is utilized by the payer in a state in which  
2 the taxpayer is not taxable with respect to such  
3 royalties and, at the time such royalties were paid or  
4 accrued, the taxpayer had its commercial domicile in  
5 this State.

6 (2) Utilization.

7 (A) A patent is utilized in a state to the extent  
8 that it is employed in production, fabrication,  
9 manufacturing or other processing in the state or to  
10 the extent that a patented product is produced in the  
11 state. If the basis of receipts from patent royalties  
12 does not permit allocation to states or if the  
13 accounting procedures do not reflect states of  
14 utilization, the patent is utilized in this State if  
15 the taxpayer has its commercial domicile in this State.

16 (B) A copyright is utilized in a state to the  
17 extent that printing or other publication originates  
18 in the state. If the basis of receipts from copyright  
19 royalties does not permit allocation to states or if  
20 the accounting procedures do not reflect states of  
21 utilization, the copyright is utilized in this State if  
22 the taxpayer has its commercial domicile in this State.

23 (e) Illinois lottery prizes. Prizes awarded under the  
24 Illinois Lottery Law are allocable to this State. Payments  
25 received in taxable years ending on or after December 31, 2013,  
26 from the assignment of a prize under Section 13.1 of the

1 Illinois Lottery Law are allocable to this State.

2 ~~(e-1) Wagering and gambling winnings. Payments received in~~  
3 ~~taxable years ending on or after December 31, 2019 of winnings~~  
4 ~~from pari-mutuel wagering conducted at a wagering facility~~  
5 ~~licensed under the Illinois Horse Racing Act of 1975 and from~~  
6 ~~gambling games conducted on a riverboat or in a casino or~~  
7 ~~organization gaming facility licensed under the Illinois~~  
8 ~~Gambling Act are allocable to this State.~~

9 (e-5) Unemployment benefits. Unemployment benefits paid by  
10 the Illinois Department of Employment Security are allocable to  
11 this State.

12 (f) Taxability in other state. For purposes of allocation  
13 of income pursuant to this Section, a taxpayer is taxable in  
14 another state if:

15 (1) In that state he is subject to a net income tax, a  
16 franchise tax measured by net income, a franchise tax for  
17 the privilege of doing business, or a corporate stock tax;  
18 or

19 (2) That state has jurisdiction to subject the taxpayer  
20 to a net income tax regardless of whether, in fact, the  
21 state does or does not.

22 (g) Cross references.

23 (1) For allocation of interest and dividends by persons  
24 other than residents, see Section 301(c)(2).

25 (2) For allocation of nonbusiness income by residents,  
26 see Section 301(a).

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

3 Sec. 304. Business income of persons other than residents.

4 (a) In general. The business income of a person other than  
5 a resident shall be allocated to this State if such person's  
6 business income is derived solely from this State. If a person  
7 other than a resident derives business income from this State  
8 and one or more other states, then, for tax years ending on or  
9 before December 30, 1998, and except as otherwise provided by  
10 this Section, such person's business income shall be  
11 apportioned to this State by multiplying the income by a  
12 fraction, the numerator of which is the sum of the property  
13 factor (if any), the payroll factor (if any) and 200% of the  
14 sales factor (if any), and the denominator of which is 4  
15 reduced by the number of factors other than the sales factor  
16 which have a denominator of zero and by an additional 2 if the  
17 sales factor has a denominator of zero. For tax years ending on  
18 or after December 31, 1998, and except as otherwise provided by  
19 this Section, persons other than residents who derive business  
20 income from this State and one or more other states shall  
21 compute their apportionment factor by weighting their  
22 property, payroll, and sales factors as provided in subsection  
23 (h) of this Section.

24 (1) Property factor.

25 (A) The property factor is a fraction, the numerator of

1           which is the average value of the person's real and  
2           tangible personal property owned or rented and used in the  
3           trade or business in this State during the taxable year and  
4           the denominator of which is the average value of all the  
5           person's real and tangible personal property owned or  
6           rented and used in the trade or business during the taxable  
7           year.

8           (B) Property owned by the person is valued at its  
9           original cost. Property rented by the person is valued at 8  
10          times the net annual rental rate. Net annual rental rate is  
11          the annual rental rate paid by the person less any annual  
12          rental rate received by the person from sub-rentals.

13          (C) The average value of property shall be determined  
14          by averaging the values at the beginning and ending of the  
15          taxable year but the Director may require the averaging of  
16          monthly values during the taxable year if reasonably  
17          required to reflect properly the average value of the  
18          person's property.

19          (2) Payroll factor.

20          (A) The payroll factor is a fraction, the numerator of  
21          which is the total amount paid in this State during the  
22          taxable year by the person for compensation, and the  
23          denominator of which is the total compensation paid  
24          everywhere during the taxable year.

25          (B) Compensation is paid in this State if:

26                  (i) The individual's service is performed entirely



1           within this State;

2           (ii) The individual's service is performed both  
3           within and without this State, but the service  
4           performed without this State is incidental to the  
5           individual's service performed within this State; or

6           (iii) For tax years ending prior to December 31,  
7           2020, some of the service is performed within this  
8           State and either the base of operations, or if there is  
9           no base of operations, the place from which the service  
10          is directed or controlled is within this State, or the  
11          base of operations or the place from which the service  
12          is directed or controlled is not in any state in which  
13          some part of the service is performed, but the  
14          individual's residence is in this State. For tax years  
15          ending on or after December 31, 2020, compensation is  
16          paid in this State if some of the individual's service  
17          is performed within this State, the individual's  
18          service performed within this State is nonincidental  
19          to the individual's service performed without this  
20          State, and the individual's service is performed  
21          within this State for more than 30 working days during  
22          the tax year. The amount of compensation paid in this  
23          State shall include the portion of the individual's  
24          total compensation for services performed on behalf of  
25          his or her employer during the tax year which the  
26          number of working days spent within this State during

1 the tax year bears to the total number of working days  
2 spent both within and without this State during the tax  
3 year. For purposes of this paragraph:

4 (a) The term "working day" means all days  
5 during the tax year in which the individual  
6 performs duties on behalf of his or her employer.  
7 All days in which the individual performs no duties  
8 on behalf of his or her employer (e.g., weekends,  
9 vacation days, sick days, and holidays) are not  
10 working days.

11 (b) A working day is spent within this State  
12 if:

13 (1) the individual performs service on  
14 behalf of the employer and a greater amount of  
15 time on that day is spent by the individual  
16 performing duties on behalf of the employer  
17 within this State, without regard to time spent  
18 traveling, than is spent performing duties on  
19 behalf of the employer without this State; or

20 (2) the only service the individual  
21 performs on behalf of the employer on that day  
22 is traveling to a destination within this  
23 State, and the individual arrives on that day.

24 (c) Working days spent within this State do not  
25 include any day in which the employee is performing  
26 services in this State during a disaster period

1 solely in response to a request made to his or her  
2 employer by the government of this State, by any  
3 political subdivision of this State, or by a person  
4 conducting business in this State to perform  
5 disaster or emergency-related services in this  
6 State. For purposes of this item (c):

7 "Declared State disaster or emergency"  
8 means a disaster or emergency event (i) for  
9 which a Governor's proclamation of a state of  
10 emergency has been issued or (ii) for which a  
11 Presidential declaration of a federal major  
12 disaster or emergency has been issued.

13 "Disaster period" means a period that  
14 begins 10 days prior to the date of the  
15 Governor's proclamation or the President's  
16 declaration (whichever is earlier) and extends  
17 for a period of 60 calendar days after the end  
18 of the declared disaster or emergency period.

19 "Disaster or emergency-related services"  
20 means repairing, renovating, installing,  
21 building, or rendering services or conducting  
22 other business activities that relate to  
23 infrastructure that has been damaged,  
24 impaired, or destroyed by the declared State  
25 disaster or emergency.

26 "Infrastructure" means property and

1 equipment owned or used by a public utility,  
2 communications network, broadband and internet  
3 service provider, cable and video service  
4 provider, electric or gas distribution system,  
5 or water pipeline that provides service to more  
6 than one customer or person, including related  
7 support facilities. "Infrastructure" includes,  
8 but is not limited to, real and personal  
9 property such as buildings, offices, power  
10 lines, cable lines, poles, communications  
11 lines, pipes, structures, and equipment.

12 (iv) Compensation paid to nonresident professional  
13 athletes.

14 (a) General. The Illinois source income of a  
15 nonresident individual who is a member of a  
16 professional athletic team includes the portion of the  
17 individual's total compensation for services performed  
18 as a member of a professional athletic team during the  
19 taxable year which the number of duty days spent within  
20 this State performing services for the team in any  
21 manner during the taxable year bears to the total  
22 number of duty days spent both within and without this  
23 State during the taxable year.

24 (b) Travel days. Travel days that do not involve  
25 either a game, practice, team meeting, or other similar  
26 team event are not considered duty days spent in this

1 State. However, such travel days are considered in the  
2 total duty days spent both within and without this  
3 State.

4 (c) Definitions. For purposes of this subpart  
5 (iv):

6 (1) The term "professional athletic team"  
7 includes, but is not limited to, any professional  
8 baseball, basketball, football, soccer, or hockey  
9 team.

10 (2) The term "member of a professional  
11 athletic team" includes those employees who are  
12 active players, players on the disabled list, and  
13 any other persons required to travel and who travel  
14 with and perform services on behalf of a  
15 professional athletic team on a regular basis.  
16 This includes, but is not limited to, coaches,  
17 managers, and trainers.

18 (3) Except as provided in items (C) and (D) of  
19 this subpart (3), the term "duty days" means all  
20 days during the taxable year from the beginning of  
21 the professional athletic team's official  
22 pre-season training period through the last game  
23 in which the team competes or is scheduled to  
24 compete. Duty days shall be counted for the year in  
25 which they occur, including where a team's  
26 official pre-season training period through the

1 last game in which the team competes or is  
2 scheduled to compete, occurs during more than one  
3 tax year.

4 (A) Duty days shall also include days on  
5 which a member of a professional athletic team  
6 performs service for a team on a date that does  
7 not fall within the foregoing period (e.g.,  
8 participation in instructional leagues, the  
9 "All Star Game", or promotional "caravans").  
10 Performing a service for a professional  
11 athletic team includes conducting training and  
12 rehabilitation activities, when such  
13 activities are conducted at team facilities.

14 (B) Also included in duty days are game  
15 days, practice days, days spent at team  
16 meetings, promotional caravans, preseason  
17 training camps, and days served with the team  
18 through all post-season games in which the team  
19 competes or is scheduled to compete.

20 (C) Duty days for any person who joins a  
21 team during the period from the beginning of  
22 the professional athletic team's official  
23 pre-season training period through the last  
24 game in which the team competes, or is  
25 scheduled to compete, shall begin on the day  
26 that person joins the team. Conversely, duty

1 days for any person who leaves a team during  
2 this period shall end on the day that person  
3 leaves the team. Where a person switches teams  
4 during a taxable year, a separate duty-day  
5 calculation shall be made for the period the  
6 person was with each team.

7 (D) Days for which a member of a  
8 professional athletic team is not compensated  
9 and is not performing services for the team in  
10 any manner, including days when such member of  
11 a professional athletic team has been  
12 suspended without pay and prohibited from  
13 performing any services for the team, shall not  
14 be treated as duty days.

15 (E) Days for which a member of a  
16 professional athletic team is on the disabled  
17 list and does not conduct rehabilitation  
18 activities at facilities of the team, and is  
19 not otherwise performing services for the team  
20 in Illinois, shall not be considered duty days  
21 spent in this State. All days on the disabled  
22 list, however, are considered to be included in  
23 total duty days spent both within and without  
24 this State.

25 (4) The term "total compensation for services  
26 performed as a member of a professional athletic

1 team" means the total compensation received during  
2 the taxable year for services performed:

3 (A) from the beginning of the official  
4 pre-season training period through the last  
5 game in which the team competes or is scheduled  
6 to compete during that taxable year; and

7 (B) during the taxable year on a date which  
8 does not fall within the foregoing period  
9 (e.g., participation in instructional leagues,  
10 the "All Star Game", or promotional caravans).

11 This compensation shall include, but is not  
12 limited to, salaries, wages, bonuses as described  
13 in this subpart, and any other type of compensation  
14 paid during the taxable year to a member of a  
15 professional athletic team for services performed  
16 in that year. This compensation does not include  
17 strike benefits, severance pay, termination pay,  
18 contract or option year buy-out payments,  
19 expansion or relocation payments, or any other  
20 payments not related to services performed for the  
21 team.

22 For purposes of this subparagraph, "bonuses"  
23 included in "total compensation for services  
24 performed as a member of a professional athletic  
25 team" subject to the allocation described in  
26 Section 302(c)(1) are: bonuses earned as a result



1 of play (i.e., performance bonuses) during the  
2 season, including bonuses paid for championship,  
3 playoff or "bowl" games played by a team, or for  
4 selection to all-star league or other honorary  
5 positions; and bonuses paid for signing a  
6 contract, unless the payment of the signing bonus  
7 is not conditional upon the signee playing any  
8 games for the team or performing any subsequent  
9 services for the team or even making the team, the  
10 signing bonus is payable separately from the  
11 salary and any other compensation, and the signing  
12 bonus is nonrefundable.

13 (3) Sales factor.

14 (A) The sales factor is a fraction, the numerator of  
15 which is the total sales of the person in this State during  
16 the taxable year, and the denominator of which is the total  
17 sales of the person everywhere during the taxable year.

18 (B) Sales of tangible personal property are in this  
19 State if:

20 (i) The property is delivered or shipped to a  
21 purchaser, other than the United States government,  
22 within this State regardless of the f. o. b. point or  
23 other conditions of the sale; or

24 (ii) The property is shipped from an office, store,  
25 warehouse, factory or other place of storage in this  
26 State and either the purchaser is the United States

1 government or the person is not taxable in the state of  
2 the purchaser; provided, however, that premises owned  
3 or leased by a person who has independently contracted  
4 with the seller for the printing of newspapers,  
5 periodicals or books shall not be deemed to be an  
6 office, store, warehouse, factory or other place of  
7 storage for purposes of this Section. Sales of tangible  
8 personal property are not in this State if the seller  
9 and purchaser would be members of the same unitary  
10 business group but for the fact that either the seller  
11 or purchaser is a person with 80% or more of total  
12 business activity outside of the United States and the  
13 property is purchased for resale.

14 (B-1) Patents, copyrights, trademarks, and similar  
15 items of intangible personal property.

16 (i) Gross receipts from the licensing, sale, or  
17 other disposition of a patent, copyright, trademark,  
18 or similar item of intangible personal property, other  
19 than gross receipts governed by paragraph (B-7) of this  
20 item (3), are in this State to the extent the item is  
21 utilized in this State during the year the gross  
22 receipts are included in gross income.

23 (ii) Place of utilization.

24 (I) A patent is utilized in a state to the  
25 extent that it is employed in production,  
26 fabrication, manufacturing, or other processing in

1 the state or to the extent that a patented product  
2 is produced in the state. If a patent is utilized  
3 in more than one state, the extent to which it is  
4 utilized in any one state shall be a fraction equal  
5 to the gross receipts of the licensee or purchaser  
6 from sales or leases of items produced,  
7 fabricated, manufactured, or processed within that  
8 state using the patent and of patented items  
9 produced within that state, divided by the total of  
10 such gross receipts for all states in which the  
11 patent is utilized.

12 (II) A copyright is utilized in a state to the  
13 extent that printing or other publication  
14 originates in the state. If a copyright is utilized  
15 in more than one state, the extent to which it is  
16 utilized in any one state shall be a fraction equal  
17 to the gross receipts from sales or licenses of  
18 materials printed or published in that state  
19 divided by the total of such gross receipts for all  
20 states in which the copyright is utilized.

21 (III) Trademarks and other items of intangible  
22 personal property governed by this paragraph (B-1)  
23 are utilized in the state in which the commercial  
24 domicile of the licensee or purchaser is located.

25 (iii) If the state of utilization of an item of  
26 property governed by this paragraph (B-1) cannot be

1           determined from the taxpayer's books and records or  
2           from the books and records of any person related to the  
3           taxpayer within the meaning of Section 267(b) of the  
4           Internal Revenue Code, 26 U.S.C. 267, the gross  
5           receipts attributable to that item shall be excluded  
6           from both the numerator and the denominator of the  
7           sales factor.

8           (B-2) Gross receipts from the license, sale, or other  
9           disposition of patents, copyrights, trademarks, and  
10          similar items of intangible personal property, other than  
11          gross receipts governed by paragraph (B-7) of this item  
12          (3), may be included in the numerator or denominator of the  
13          sales factor only if gross receipts from licenses, sales,  
14          or other disposition of such items comprise more than 50%  
15          of the taxpayer's total gross receipts included in gross  
16          income during the tax year and during each of the 2  
17          immediately preceding tax years; provided that, when a  
18          taxpayer is a member of a unitary business group, such  
19          determination shall be made on the basis of the gross  
20          receipts of the entire unitary business group.

21          (B-5) For taxable years ending on or after December 31,  
22          2008, except as provided in subsections (ii) through (vii),  
23          receipts from the sale of telecommunications service or  
24          mobile telecommunications service are in this State if the  
25          customer's service address is in this State.

26                 (i) For purposes of this subparagraph (B-5), the

1 following terms have the following meanings:

2 "Ancillary services" means services that are  
3 associated with or incidental to the provision of  
4 "telecommunications services", including, but not  
5 limited to, "detailed telecommunications billing",  
6 "directory assistance", "vertical service", and "voice  
7 mail services".

8 "Air-to-Ground Radiotelephone service" means a  
9 radio service, as that term is defined in 47 CFR 22.99,  
10 in which common carriers are authorized to offer and  
11 provide radio telecommunications service for hire to  
12 subscribers in aircraft.

13 "Call-by-call Basis" means any method of charging  
14 for telecommunications services where the price is  
15 measured by individual calls.

16 "Communications Channel" means a physical or  
17 virtual path of communications over which signals are  
18 transmitted between or among customer channel  
19 termination points.

20 "Conference bridging service" means an "ancillary  
21 service" that links two or more participants of an  
22 audio or video conference call and may include the  
23 provision of a telephone number. "Conference bridging  
24 service" does not include the "telecommunications  
25 services" used to reach the conference bridge.

26 "Customer Channel Termination Point" means the

1 location where the customer either inputs or receives  
2 the communications.

3 "Detailed telecommunications billing service"  
4 means an "ancillary service" of separately stating  
5 information pertaining to individual calls on a  
6 customer's billing statement.

7 "Directory assistance" means an "ancillary  
8 service" of providing telephone number information,  
9 and/or address information.

10 "Home service provider" means the facilities based  
11 carrier or reseller with which the customer contracts  
12 for the provision of mobile telecommunications  
13 services.

14 "Mobile telecommunications service" means  
15 commercial mobile radio service, as defined in Section  
16 20.3 of Title 47 of the Code of Federal Regulations as  
17 in effect on June 1, 1999.

18 "Place of primary use" means the street address  
19 representative of where the customer's use of the  
20 telecommunications service primarily occurs, which  
21 must be the residential street address or the primary  
22 business street address of the customer. In the case of  
23 mobile telecommunications services, "place of primary  
24 use" must be within the licensed service area of the  
25 home service provider.

26 "Post-paid telecommunication service" means the

1 telecommunications service obtained by making a  
2 payment on a call-by-call basis either through the use  
3 of a credit card or payment mechanism such as a bank  
4 card, travel card, credit card, or debit card, or by  
5 charge made to a telephone number which is not  
6 associated with the origination or termination of the  
7 telecommunications service. A post-paid calling  
8 service includes telecommunications service, except a  
9 prepaid wireless calling service, that would be a  
10 prepaid calling service except it is not exclusively a  
11 telecommunication service.

12 "Prepaid telecommunication service" means the  
13 right to access exclusively telecommunications  
14 services, which must be paid for in advance and which  
15 enables the origination of calls using an access number  
16 or authorization code, whether manually or  
17 electronically dialed, and that is sold in  
18 predetermined units or dollars of which the number  
19 declines with use in a known amount.

20 "Prepaid Mobile telecommunication service" means a  
21 telecommunications service that provides the right to  
22 utilize mobile wireless service as well as other  
23 non-telecommunication services, including, but not  
24 limited to, ancillary services, which must be paid for  
25 in advance that is sold in predetermined units or  
26 dollars of which the number declines with use in a

1 known amount.

2 "Private communication service" means a  
3 telecommunication service that entitles the customer  
4 to exclusive or priority use of a communications  
5 channel or group of channels between or among  
6 termination points, regardless of the manner in which  
7 such channel or channels are connected, and includes  
8 switching capacity, extension lines, stations, and any  
9 other associated services that are provided in  
10 connection with the use of such channel or channels.

11 "Service address" means:

12 (a) The location of the telecommunications  
13 equipment to which a customer's call is charged and  
14 from which the call originates or terminates,  
15 regardless of where the call is billed or paid;

16 (b) If the location in line (a) is not known,  
17 service address means the origination point of the  
18 signal of the telecommunications services first  
19 identified by either the seller's  
20 telecommunications system or in information  
21 received by the seller from its service provider  
22 where the system used to transport such signals is  
23 not that of the seller; and

24 (c) If the locations in line (a) and line (b)  
25 are not known, the service address means the  
26 location of the customer's place of primary use.



1 "Telecommunications service" means the electronic  
2 transmission, conveyance, or routing of voice, data,  
3 audio, video, or any other information or signals to a  
4 point, or between or among points. The term  
5 "telecommunications service" includes such  
6 transmission, conveyance, or routing in which computer  
7 processing applications are used to act on the form,  
8 code or protocol of the content for purposes of  
9 transmission, conveyance or routing without regard to  
10 whether such service is referred to as voice over  
11 Internet protocol services or is classified by the  
12 Federal Communications Commission as enhanced or value  
13 added. "Telecommunications service" does not include:

14 (a) Data processing and information services  
15 that allow data to be generated, acquired, stored,  
16 processed, or retrieved and delivered by an  
17 electronic transmission to a purchaser when such  
18 purchaser's primary purpose for the underlying  
19 transaction is the processed data or information;

20 (b) Installation or maintenance of wiring or  
21 equipment on a customer's premises;

22 (c) Tangible personal property;

23 (d) Advertising, including, but not limited  
24 to, directory advertising;

25 (e) Billing and collection services provided  
26 to third parties;

1 (f) Internet access service;

2 (g) Radio and television audio and video  
3 programming services, regardless of the medium,  
4 including the furnishing of transmission,  
5 conveyance and routing of such services by the  
6 programming service provider. Radio and television  
7 audio and video programming services shall  
8 include, but not be limited to, cable service as  
9 defined in 47 USC 522(6) and audio and video  
10 programming services delivered by commercial  
11 mobile radio service providers, as defined in 47  
12 CFR 20.3;

13 (h) "Ancillary services"; or

14 (i) Digital products "delivered  
15 electronically", including, but not limited to,  
16 software, music, video, reading materials or ring  
17 tones.

18 "Vertical service" means an "ancillary service"  
19 that is offered in connection with one or more  
20 "telecommunications services", which offers advanced  
21 calling features that allow customers to identify  
22 callers and to manage multiple calls and call  
23 connections, including "conference bridging services".

24 "Voice mail service" means an "ancillary service"  
25 that enables the customer to store, send or receive  
26 recorded messages. "Voice mail service" does not

1 include any "vertical services" that the customer may  
2 be required to have in order to utilize the "voice mail  
3 service".

4 (ii) Receipts from the sale of telecommunications  
5 service sold on an individual call-by-call basis are in  
6 this State if either of the following applies:

7 (a) The call both originates and terminates in  
8 this State.

9 (b) The call either originates or terminates  
10 in this State and the service address is located in  
11 this State.

12 (iii) Receipts from the sale of postpaid  
13 telecommunications service at retail are in this State  
14 if the origination point of the telecommunication  
15 signal, as first identified by the service provider's  
16 telecommunication system or as identified by  
17 information received by the seller from its service  
18 provider if the system used to transport  
19 telecommunication signals is not the seller's, is  
20 located in this State.

21 (iv) Receipts from the sale of prepaid  
22 telecommunications service or prepaid mobile  
23 telecommunications service at retail are in this State  
24 if the purchaser obtains the prepaid card or similar  
25 means of conveyance at a location in this State.  
26 Receipts from recharging a prepaid telecommunications

1 service or mobile telecommunications service is in  
2 this State if the purchaser's billing information  
3 indicates a location in this State.

4 (v) Receipts from the sale of private  
5 communication services are in this State as follows:

6 (a) 100% of receipts from charges imposed at  
7 each channel termination point in this State.

8 (b) 100% of receipts from charges for the total  
9 channel mileage between each channel termination  
10 point in this State.

11 (c) 50% of the total receipts from charges for  
12 service segments when those segments are between 2  
13 customer channel termination points, 1 of which is  
14 located in this State and the other is located  
15 outside of this State, which segments are  
16 separately charged.

17 (d) The receipts from charges for service  
18 segments with a channel termination point located  
19 in this State and in two or more other states, and  
20 which segments are not separately billed, are in  
21 this State based on a percentage determined by  
22 dividing the number of customer channel  
23 termination points in this State by the total  
24 number of customer channel termination points.

25 (vi) Receipts from charges for ancillary services  
26 for telecommunications service sold to customers at

1 retail are in this State if the customer's primary  
2 place of use of telecommunications services associated  
3 with those ancillary services is in this State. If the  
4 seller of those ancillary services cannot determine  
5 where the associated telecommunications are located,  
6 then the ancillary services shall be based on the  
7 location of the purchaser.

8 (vii) Receipts to access a carrier's network or  
9 from the sale of telecommunication services or  
10 ancillary services for resale are in this State as  
11 follows:

12 (a) 100% of the receipts from access fees  
13 attributable to intrastate telecommunications  
14 service that both originates and terminates in  
15 this State.

16 (b) 50% of the receipts from access fees  
17 attributable to interstate telecommunications  
18 service if the interstate call either originates  
19 or terminates in this State.

20 (c) 100% of the receipts from interstate end  
21 user access line charges, if the customer's  
22 service address is in this State. As used in this  
23 subdivision, "interstate end user access line  
24 charges" includes, but is not limited to, the  
25 surcharge approved by the federal communications  
26 commission and levied pursuant to 47 CFR 69.

1           (d) Gross receipts from sales of  
2 telecommunication services or from ancillary  
3 services for telecommunications services sold to  
4 other telecommunication service providers for  
5 resale shall be sourced to this State using the  
6 apportionment concepts used for non-resale  
7 receipts of telecommunications services if the  
8 information is readily available to make that  
9 determination. If the information is not readily  
10 available, then the taxpayer may use any other  
11 reasonable and consistent method.

12           (B-7) For taxable years ending on or after December 31,  
13 2008, receipts from the sale of broadcasting services are  
14 in this State if the broadcasting services are received in  
15 this State. For purposes of this paragraph (B-7), the  
16 following terms have the following meanings:

17           "Advertising revenue" means consideration received  
18 by the taxpayer in exchange for broadcasting services  
19 or allowing the broadcasting of commercials or  
20 announcements in connection with the broadcasting of  
21 film or radio programming, from sponsorships of the  
22 programming, or from product placements in the  
23 programming.

24           "Audience factor" means the ratio that the  
25 audience or subscribers located in this State of a  
26 station, a network, or a cable system bears to the

1 total audience or total subscribers for that station,  
2 network, or cable system. The audience factor for film  
3 or radio programming shall be determined by reference  
4 to the books and records of the taxpayer or by  
5 reference to published rating statistics provided the  
6 method used by the taxpayer is consistently used from  
7 year to year for this purpose and fairly represents the  
8 taxpayer's activity in this State.

9 "Broadcast" or "broadcasting" or "broadcasting  
10 services" means the transmission or provision of film  
11 or radio programming, whether through the public  
12 airwaves, by cable, by direct or indirect satellite  
13 transmission, or by any other means of communication,  
14 either through a station, a network, or a cable system.

15 "Film" or "film programming" means the broadcast  
16 on television of any and all performances, events, or  
17 productions, including, but not limited to, news,  
18 sporting events, plays, stories, or other literary,  
19 commercial, educational, or artistic works, either  
20 live or through the use of video tape, disc, or any  
21 other type of format or medium. Each episode of a  
22 series of films produced for television shall  
23 constitute separate "film" notwithstanding that the  
24 series relates to the same principal subject and is  
25 produced during one or more tax periods.

26 "Radio" or "radio programming" means the broadcast

1 on radio of any and all performances, events, or  
2 productions, including, but not limited to, news,  
3 sporting events, plays, stories, or other literary,  
4 commercial, educational, or artistic works, either  
5 live or through the use of an audio tape, disc, or any  
6 other format or medium. Each episode in a series of  
7 radio programming produced for radio broadcast shall  
8 constitute a separate "radio programming"  
9 notwithstanding that the series relates to the same  
10 principal subject and is produced during one or more  
11 tax periods.

12 (i) In the case of advertising revenue from  
13 broadcasting, the customer is the advertiser and  
14 the service is received in this State if the  
15 commercial domicile of the advertiser is in this  
16 State.

17 (ii) In the case where film or radio  
18 programming is broadcast by a station, a network,  
19 or a cable system for a fee or other remuneration  
20 received from the recipient of the broadcast, the  
21 portion of the service that is received in this  
22 State is measured by the portion of the recipients  
23 of the broadcast located in this State.  
24 Accordingly, the fee or other remuneration for  
25 such service that is included in the Illinois  
26 numerator of the sales factor is the total of those



1 fees or other remuneration received from  
2 recipients in Illinois. For purposes of this  
3 paragraph, a taxpayer may determine the location  
4 of the recipients of its broadcast using the  
5 address of the recipient shown in its contracts  
6 with the recipient or using the billing address of  
7 the recipient in the taxpayer's records.

8 (iii) In the case where film or radio  
9 programming is broadcast by a station, a network,  
10 or a cable system for a fee or other remuneration  
11 from the person providing the programming, the  
12 portion of the broadcast service that is received  
13 by such station, network, or cable system in this  
14 State is measured by the portion of recipients of  
15 the broadcast located in this State. Accordingly,  
16 the amount of revenue related to such an  
17 arrangement that is included in the Illinois  
18 numerator of the sales factor is the total fee or  
19 other total remuneration from the person providing  
20 the programming related to that broadcast  
21 multiplied by the Illinois audience factor for  
22 that broadcast.

23 (iv) In the case where film or radio  
24 programming is provided by a taxpayer that is a  
25 network or station to a customer for broadcast in  
26 exchange for a fee or other remuneration from that

1 customer the broadcasting service is received at  
2 the location of the office of the customer from  
3 which the services were ordered in the regular  
4 course of the customer's trade or business.  
5 Accordingly, in such a case the revenue derived by  
6 the taxpayer that is included in the taxpayer's  
7 Illinois numerator of the sales factor is the  
8 revenue from such customers who receive the  
9 broadcasting service in Illinois.

10 (v) In the case where film or radio programming  
11 is provided by a taxpayer that is not a network or  
12 station to another person for broadcasting in  
13 exchange for a fee or other remuneration from that  
14 person, the broadcasting service is received at  
15 the location of the office of the customer from  
16 which the services were ordered in the regular  
17 course of the customer's trade or business.  
18 Accordingly, in such a case the revenue derived by  
19 the taxpayer that is included in the taxpayer's  
20 Illinois numerator of the sales factor is the  
21 revenue from such customers who receive the  
22 broadcasting service in Illinois.

23 (B-8) Gross receipts from winnings under the Illinois  
24 Lottery Law from the assignment of a prize under Section  
25 13.1 of the Illinois Lottery Law are received in this  
26 State. This paragraph (B-8) applies only to taxable years

1 ending on or after December 31, 2013.

2 ~~(B-9) For taxable years ending on or after December 31,~~  
3 ~~2019, gross receipts from winnings from pari-mutuel~~  
4 ~~wagering conducted at a wagering facility licensed under~~  
5 ~~the Illinois Horse Racing Act of 1975 or from winnings from~~  
6 ~~gambling games conducted on a riverboat or in a casino or~~  
7 ~~organization gaming facility licensed under the Illinois~~  
8 ~~Gambling Act are in this State.~~

9 (C) For taxable years ending before December 31, 2008,  
10 sales, other than sales governed by paragraphs (B), (B-1),  
11 (B-2), and (B-8) are in this State if:

12 (i) The income-producing activity is performed in  
13 this State; or

14 (ii) The income-producing activity is performed  
15 both within and without this State and a greater  
16 proportion of the income-producing activity is  
17 performed within this State than without this State,  
18 based on performance costs.

19 (C-5) For taxable years ending on or after December 31,  
20 2008, sales, other than sales governed by paragraphs (B),  
21 (B-1), (B-2), (B-5), and (B-7), are in this State if any of  
22 the following criteria are met:

23 (i) Sales from the sale or lease of real property  
24 are in this State if the property is located in this  
25 State.

26 (ii) Sales from the lease or rental of tangible

1 personal property are in this State if the property is  
2 located in this State during the rental period. Sales  
3 from the lease or rental of tangible personal property  
4 that is characteristically moving property, including,  
5 but not limited to, motor vehicles, rolling stock,  
6 aircraft, vessels, or mobile equipment are in this  
7 State to the extent that the property is used in this  
8 State.

9 (iii) In the case of interest, net gains (but not  
10 less than zero) and other items of income from  
11 intangible personal property, the sale is in this State  
12 if:

13 (a) in the case of a taxpayer who is a dealer  
14 in the item of intangible personal property within  
15 the meaning of Section 475 of the Internal Revenue  
16 Code, the income or gain is received from a  
17 customer in this State. For purposes of this  
18 subparagraph, a customer is in this State if the  
19 customer is an individual, trust or estate who is a  
20 resident of this State and, for all other  
21 customers, if the customer's commercial domicile  
22 is in this State. Unless the dealer has actual  
23 knowledge of the residence or commercial domicile  
24 of a customer during a taxable year, the customer  
25 shall be deemed to be a customer in this State if  
26 the billing address of the customer, as shown in

1 the records of the dealer, is in this State; or

2 (b) in all other cases, if the  
3 income-producing activity of the taxpayer is  
4 performed in this State or, if the  
5 income-producing activity of the taxpayer is  
6 performed both within and without this State, if a  
7 greater proportion of the income-producing  
8 activity of the taxpayer is performed within this  
9 State than in any other state, based on performance  
10 costs.

11 (iv) Sales of services are in this State if the  
12 services are received in this State. For the purposes  
13 of this section, gross receipts from the performance of  
14 services provided to a corporation, partnership, or  
15 trust may only be attributed to a state where that  
16 corporation, partnership, or trust has a fixed place of  
17 business. If the state where the services are received  
18 is not readily determinable or is a state where the  
19 corporation, partnership, or trust receiving the  
20 service does not have a fixed place of business, the  
21 services shall be deemed to be received at the location  
22 of the office of the customer from which the services  
23 were ordered in the regular course of the customer's  
24 trade or business. If the ordering office cannot be  
25 determined, the services shall be deemed to be received  
26 at the office of the customer to which the services are

1 billed. If the taxpayer is not taxable in the state in  
2 which the services are received, the sale must be  
3 excluded from both the numerator and the denominator of  
4 the sales factor. The Department shall adopt rules  
5 prescribing where specific types of service are  
6 received, including, but not limited to, publishing,  
7 and utility service.

8 (D) For taxable years ending on or after December 31,  
9 1995, the following items of income shall not be included  
10 in the numerator or denominator of the sales factor:  
11 dividends; amounts included under Section 78 of the  
12 Internal Revenue Code; and Subpart F income as defined in  
13 Section 952 of the Internal Revenue Code. No inference  
14 shall be drawn from the enactment of this paragraph (D) in  
15 construing this Section for taxable years ending before  
16 December 31, 1995.

17 (E) Paragraphs (B-1) and (B-2) shall apply to tax years  
18 ending on or after December 31, 1999, provided that a  
19 taxpayer may elect to apply the provisions of these  
20 paragraphs to prior tax years. Such election shall be made  
21 in the form and manner prescribed by the Department, shall  
22 be irrevocable, and shall apply to all tax years; provided  
23 that, if a taxpayer's Illinois income tax liability for any  
24 tax year, as assessed under Section 903 prior to January 1,  
25 1999, was computed in a manner contrary to the provisions  
26 of paragraphs (B-1) or (B-2), no refund shall be payable to

1 the taxpayer for that tax year to the extent such refund is  
2 the result of applying the provisions of paragraph (B-1) or  
3 (B-2) retroactively. In the case of a unitary business  
4 group, such election shall apply to all members of such  
5 group for every tax year such group is in existence, but  
6 shall not apply to any taxpayer for any period during which  
7 that taxpayer is not a member of such group.

8 (b) Insurance companies.

9 (1) In general. Except as otherwise provided by  
10 paragraph (2), business income of an insurance company for  
11 a taxable year shall be apportioned to this State by  
12 multiplying such income by a fraction, the numerator of  
13 which is the direct premiums written for insurance upon  
14 property or risk in this State, and the denominator of  
15 which is the direct premiums written for insurance upon  
16 property or risk everywhere. For purposes of this  
17 subsection, the term "direct premiums written" means the  
18 total amount of direct premiums written, assessments and  
19 annuity considerations as reported for the taxable year on  
20 the annual statement filed by the company with the Illinois  
21 Director of Insurance in the form approved by the National  
22 Convention of Insurance Commissioners or such other form as  
23 may be prescribed in lieu thereof.

24 (2) Reinsurance. If the principal source of premiums  
25 written by an insurance company consists of premiums for  
26 reinsurance accepted by it, the business income of such

1           company shall be apportioned to this State by multiplying  
2           such income by a fraction, the numerator of which is the  
3           sum of (i) direct premiums written for insurance upon  
4           property or risk in this State, plus (ii) premiums written  
5           for reinsurance accepted in respect of property or risk in  
6           this State, and the denominator of which is the sum of  
7           (iii) direct premiums written for insurance upon property  
8           or risk everywhere, plus (iv) premiums written for  
9           reinsurance accepted in respect of property or risk  
10          everywhere. For purposes of this paragraph, premiums  
11          written for reinsurance accepted in respect of property or  
12          risk in this State, whether or not otherwise determinable,  
13          may, at the election of the company, be determined on the  
14          basis of the proportion which premiums written for  
15          reinsurance accepted from companies commercially domiciled  
16          in Illinois bears to premiums written for reinsurance  
17          accepted from all sources, or, alternatively, in the  
18          proportion which the sum of the direct premiums written for  
19          insurance upon property or risk in this State by each  
20          ceding company from which reinsurance is accepted bears to  
21          the sum of the total direct premiums written by each such  
22          ceding company for the taxable year. The election made by a  
23          company under this paragraph for its first taxable year  
24          ending on or after December 31, 2011, shall be binding for  
25          that company for that taxable year and for all subsequent  
26          taxable years, and may be altered only with the written



1 permission of the Department, which shall not be  
2 unreasonably withheld.

3 (c) Financial organizations.

4 (1) In general. For taxable years ending before  
5 December 31, 2008, business income of a financial  
6 organization shall be apportioned to this State by  
7 multiplying such income by a fraction, the numerator of  
8 which is its business income from sources within this  
9 State, and the denominator of which is its business income  
10 from all sources. For the purposes of this subsection, the  
11 business income of a financial organization from sources  
12 within this State is the sum of the amounts referred to in  
13 subparagraphs (A) through (E) following, but excluding the  
14 adjusted income of an international banking facility as  
15 determined in paragraph (2):

16 (A) Fees, commissions or other compensation for  
17 financial services rendered within this State;

18 (B) Gross profits from trading in stocks, bonds or  
19 other securities managed within this State;

20 (C) Dividends, and interest from Illinois  
21 customers, which are received within this State;

22 (D) Interest charged to customers at places of  
23 business maintained within this State for carrying  
24 debit balances of margin accounts, without deduction  
25 of any costs incurred in carrying such accounts; and

26 (E) Any other gross income resulting from the

1 operation as a financial organization within this  
2 State.

3 In computing the amounts referred to in paragraphs (A)  
4 through (E) of this subsection, any amount received by a  
5 member of an affiliated group (determined under Section  
6 1504(a) of the Internal Revenue Code but without reference  
7 to whether any such corporation is an "includible  
8 corporation" under Section 1504(b) of the Internal Revenue  
9 Code) from another member of such group shall be included  
10 only to the extent such amount exceeds expenses of the  
11 recipient directly related thereto.

12 (2) International Banking Facility. For taxable years  
13 ending before December 31, 2008:

14 (A) Adjusted Income. The adjusted income of an  
15 international banking facility is its income reduced  
16 by the amount of the floor amount.

17 (B) Floor Amount. The floor amount shall be the  
18 amount, if any, determined by multiplying the income of  
19 the international banking facility by a fraction, not  
20 greater than one, which is determined as follows:

21 (i) The numerator shall be:

22 The average aggregate, determined on a  
23 quarterly basis, of the financial organization's  
24 loans to banks in foreign countries, to foreign  
25 domiciled borrowers (except where secured  
26 primarily by real estate) and to foreign

1 governments and other foreign official  
2 institutions, as reported for its branches,  
3 agencies and offices within the state on its  
4 "Consolidated Report of Condition", Schedule A,  
5 Lines 2.c., 5.b., and 7.a., which was filed with  
6 the Federal Deposit Insurance Corporation and  
7 other regulatory authorities, for the year 1980,  
8 minus

9 The average aggregate, determined on a  
10 quarterly basis, of such loans (other than loans of  
11 an international banking facility), as reported by  
12 the financial institution for its branches,  
13 agencies and offices within the state, on the  
14 corresponding Schedule and lines of the  
15 Consolidated Report of Condition for the current  
16 taxable year, provided, however, that in no case  
17 shall the amount determined in this clause (the  
18 subtrahend) exceed the amount determined in the  
19 preceding clause (the minuend); and

20 (ii) the denominator shall be the average  
21 aggregate, determined on a quarterly basis, of the  
22 international banking facility's loans to banks in  
23 foreign countries, to foreign domiciled borrowers  
24 (except where secured primarily by real estate)  
25 and to foreign governments and other foreign  
26 official institutions, which were recorded in its

1 financial accounts for the current taxable year.

2 (C) Change to Consolidated Report of Condition and  
3 in Qualification. In the event the Consolidated Report  
4 of Condition which is filed with the Federal Deposit  
5 Insurance Corporation and other regulatory authorities  
6 is altered so that the information required for  
7 determining the floor amount is not found on Schedule  
8 A, lines 2.c., 5.b. and 7.a., the financial institution  
9 shall notify the Department and the Department may, by  
10 regulations or otherwise, prescribe or authorize the  
11 use of an alternative source for such information. The  
12 financial institution shall also notify the Department  
13 should its international banking facility fail to  
14 qualify as such, in whole or in part, or should there  
15 be any amendment or change to the Consolidated Report  
16 of Condition, as originally filed, to the extent such  
17 amendment or change alters the information used in  
18 determining the floor amount.

19 (3) For taxable years ending on or after December 31,  
20 2008, the business income of a financial organization shall  
21 be apportioned to this State by multiplying such income by  
22 a fraction, the numerator of which is its gross receipts  
23 from sources in this State or otherwise attributable to  
24 this State's marketplace and the denominator of which is  
25 its gross receipts everywhere during the taxable year.  
26 "Gross receipts" for purposes of this subparagraph (3)

1 means gross income, including net taxable gain on  
2 disposition of assets, including securities and money  
3 market instruments, when derived from transactions and  
4 activities in the regular course of the financial  
5 organization's trade or business. The following examples  
6 are illustrative:

7 (i) Receipts from the lease or rental of real or  
8 tangible personal property are in this State if the  
9 property is located in this State during the rental  
10 period. Receipts from the lease or rental of tangible  
11 personal property that is characteristically moving  
12 property, including, but not limited to, motor  
13 vehicles, rolling stock, aircraft, vessels, or mobile  
14 equipment are from sources in this State to the extent  
15 that the property is used in this State.

16 (ii) Interest income, commissions, fees, gains on  
17 disposition, and other receipts from assets in the  
18 nature of loans that are secured primarily by real  
19 estate or tangible personal property are from sources  
20 in this State if the security is located in this State.

21 (iii) Interest income, commissions, fees, gains on  
22 disposition, and other receipts from consumer loans  
23 that are not secured by real or tangible personal  
24 property are from sources in this State if the debtor  
25 is a resident of this State.

26 (iv) Interest income, commissions, fees, gains on

1 disposition, and other receipts from commercial loans  
2 and installment obligations that are not secured by  
3 real or tangible personal property are from sources in  
4 this State if the proceeds of the loan are to be  
5 applied in this State. If it cannot be determined where  
6 the funds are to be applied, the income and receipts  
7 are from sources in this State if the office of the  
8 borrower from which the loan was negotiated in the  
9 regular course of business is located in this State. If  
10 the location of this office cannot be determined, the  
11 income and receipts shall be excluded from the  
12 numerator and denominator of the sales factor.

13 (v) Interest income, fees, gains on disposition,  
14 service charges, merchant discount income, and other  
15 receipts from credit card receivables are from sources  
16 in this State if the card charges are regularly billed  
17 to a customer in this State.

18 (vi) Receipts from the performance of services,  
19 including, but not limited to, fiduciary, advisory,  
20 and brokerage services, are in this State if the  
21 services are received in this State within the meaning  
22 of subparagraph (a) (3) (C-5) (iv) of this Section.

23 (vii) Receipts from the issuance of travelers  
24 checks and money orders are from sources in this State  
25 if the checks and money orders are issued from a  
26 location within this State.

1 (viii) Receipts from investment assets and  
2 activities and trading assets and activities are  
3 included in the receipts factor as follows:

4 (1) Interest, dividends, net gains (but not  
5 less than zero) and other income from investment  
6 assets and activities from trading assets and  
7 activities shall be included in the receipts  
8 factor. Investment assets and activities and  
9 trading assets and activities include, but are not  
10 limited to: investment securities; trading account  
11 assets; federal funds; securities purchased and  
12 sold under agreements to resell or repurchase;  
13 options; futures contracts; forward contracts;  
14 notional principal contracts such as swaps;  
15 equities; and foreign currency transactions. With  
16 respect to the investment and trading assets and  
17 activities described in subparagraphs (A) and (B)  
18 of this paragraph, the receipts factor shall  
19 include the amounts described in such  
20 subparagraphs.

21 (A) The receipts factor shall include the  
22 amount by which interest from federal funds  
23 sold and securities purchased under resale  
24 agreements exceeds interest expense on federal  
25 funds purchased and securities sold under  
26 repurchase agreements.

1 (B) The receipts factor shall include the  
2 amount by which interest, dividends, gains and  
3 other income from trading assets and  
4 activities, including, but not limited to,  
5 assets and activities in the matched book, in  
6 the arbitrage book, and foreign currency  
7 transactions, exceed amounts paid in lieu of  
8 interest, amounts paid in lieu of dividends,  
9 and losses from such assets and activities.

10 (2) The numerator of the receipts factor  
11 includes interest, dividends, net gains (but not  
12 less than zero), and other income from investment  
13 assets and activities and from trading assets and  
14 activities described in paragraph (1) of this  
15 subsection that are attributable to this State.

16 (A) The amount of interest, dividends, net  
17 gains (but not less than zero), and other  
18 income from investment assets and activities  
19 in the investment account to be attributed to  
20 this State and included in the numerator is  
21 determined by multiplying all such income from  
22 such assets and activities by a fraction, the  
23 numerator of which is the gross income from  
24 such assets and activities which are properly  
25 assigned to a fixed place of business of the  
26 taxpayer within this State and the denominator



1 of which is the gross income from all such  
2 assets and activities.

3 (B) The amount of interest from federal  
4 funds sold and purchased and from securities  
5 purchased under resale agreements and  
6 securities sold under repurchase agreements  
7 attributable to this State and included in the  
8 numerator is determined by multiplying the  
9 amount described in subparagraph (A) of  
10 paragraph (1) of this subsection from such  
11 funds and such securities by a fraction, the  
12 numerator of which is the gross income from  
13 such funds and such securities which are  
14 properly assigned to a fixed place of business  
15 of the taxpayer within this State and the  
16 denominator of which is the gross income from  
17 all such funds and such securities.

18 (C) The amount of interest, dividends,  
19 gains, and other income from trading assets and  
20 activities, including   but not limited to    
21 assets and activities in the matched book, in  
22 the arbitrage book and foreign currency  
23 transactions (but excluding amounts described  
24 in subparagraphs (A) or (B) of this paragraph),  
25 attributable to this State and included in the  
26 numerator is determined by multiplying the

1 amount described in subparagraph (B) of  
2 paragraph (1) of this subsection by a fraction,  
3 the numerator of which is the gross income from  
4 such trading assets and activities which are  
5 properly assigned to a fixed place of business  
6 of the taxpayer within this State and the  
7 denominator of which is the gross income from  
8 all such assets and activities.

9 (D) Properly assigned, for purposes of  
10 this paragraph (2) of this subsection, means  
11 the investment or trading asset or activity is  
12 assigned to the fixed place of business with  
13 which it has a preponderance of substantive  
14 contacts. An investment or trading asset or  
15 activity assigned by the taxpayer to a fixed  
16 place of business without the State shall be  
17 presumed to have been properly assigned if:

18 (i) the taxpayer has assigned, in the  
19 regular course of its business, such asset  
20 or activity on its records to a fixed place  
21 of business consistent with federal or  
22 state regulatory requirements;

23 (ii) such assignment on its records is  
24 based upon substantive contacts of the  
25 asset or activity to such fixed place of  
26 business; and

1 (iii) the taxpayer uses such records  
2 reflecting assignment of such assets or  
3 activities for the filing of all state and  
4 local tax returns for which an assignment  
5 of such assets or activities to a fixed  
6 place of business is required.

7 (E) The presumption of proper assignment  
8 of an investment or trading asset or activity  
9 provided in subparagraph (D) of paragraph (2)  
10 of this subsection may be rebutted upon a  
11 showing by the Department, supported by a  
12 preponderance of the evidence, that the  
13 preponderance of substantive contacts  
14 regarding such asset or activity did not occur  
15 at the fixed place of business to which it was  
16 assigned on the taxpayer's records. If the  
17 fixed place of business that has a  
18 preponderance of substantive contacts cannot  
19 be determined for an investment or trading  
20 asset or activity to which the presumption in  
21 subparagraph (D) of paragraph (2) of this  
22 subsection does not apply or with respect to  
23 which that presumption has been rebutted, that  
24 asset or activity is properly assigned to the  
25 state in which the taxpayer's commercial  
26 domicile is located. For purposes of this

1           subparagraph (E), it shall be presumed,  
2           subject to rebuttal, that taxpayer's  
3           commercial domicile is in the state of the  
4           United States or the District of Columbia to  
5           which the greatest number of employees are  
6           regularly connected with the management of the  
7           investment or trading income or out of which  
8           they are working, irrespective of where the  
9           services of such employees are performed, as of  
10          the last day of the taxable year.

11           (4) (Blank).

12           (5) (Blank).

13          (c-1) Federally regulated exchanges. For taxable years  
14          ending on or after December 31, 2012, business income of a  
15          federally regulated exchange shall, at the option of the  
16          federally regulated exchange, be apportioned to this State by  
17          multiplying such income by a fraction, the numerator of which  
18          is its business income from sources within this State, and the  
19          denominator of which is its business income from all sources.  
20          For purposes of this subsection, the business income within  
21          this State of a federally regulated exchange is the sum of the  
22          following:

23           (1) Receipts attributable to transactions executed on  
24           a physical trading floor if that physical trading floor is  
25           located in this State.

26           (2) Receipts attributable to all other matching,

1 execution, or clearing transactions, including without  
2 limitation receipts from the provision of matching,  
3 execution, or clearing services to another entity,  
4 multiplied by (i) for taxable years ending on or after  
5 December 31, 2012 but before December 31, 2013, 63.77%; and  
6 (ii) for taxable years ending on or after December 31,  
7 2013, 27.54%.

8 (3) All other receipts not governed by subparagraphs  
9 (1) or (2) of this subsection (c-1), to the extent the  
10 receipts would be characterized as "sales in this State"  
11 under item (3) of subsection (a) of this Section.

12 "Federally regulated exchange" means (i) a "registered  
13 entity" within the meaning of 7 U.S.C. Section 1a(40) (A), (B),  
14 or (C), (ii) an "exchange" or "clearing agency" within the  
15 meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such  
16 entities regulated under any successor regulatory structure to  
17 the foregoing, and (iv) all taxpayers who are members of the  
18 same unitary business group as a federally regulated exchange,  
19 determined without regard to the prohibition in Section  
20 1501(a) (27) of this Act against including in a unitary business  
21 group taxpayers who are ordinarily required to apportion  
22 business income under different subsections of this Section;  
23 provided that this subparagraph (iv) shall apply only if 50% or  
24 more of the business receipts of the unitary business group  
25 determined by application of this subparagraph (iv) for the  
26 taxable year are attributable to the matching, execution, or

1 clearing of transactions conducted by an entity described in  
2 subparagraph (i), (ii), or (iii) of this paragraph.

3 In no event shall the Illinois apportionment percentage  
4 computed in accordance with this subsection (c-1) for any  
5 taxpayer for any tax year be less than the Illinois  
6 apportionment percentage computed under this subsection (c-1)  
7 for that taxpayer for the first full tax year ending on or  
8 after December 31, 2013 for which this subsection (c-1) applied  
9 to the taxpayer.

10 (d) Transportation services. For taxable years ending  
11 before December 31, 2008, business income derived from  
12 furnishing transportation services shall be apportioned to  
13 this State in accordance with paragraphs (1) and (2):

14 (1) Such business income (other than that derived from  
15 transportation by pipeline) shall be apportioned to this  
16 State by multiplying such income by a fraction, the  
17 numerator of which is the revenue miles of the person in  
18 this State, and the denominator of which is the revenue  
19 miles of the person everywhere. For purposes of this  
20 paragraph, a revenue mile is the transportation of 1  
21 passenger or 1 net ton of freight the distance of 1 mile  
22 for a consideration. Where a person is engaged in the  
23 transportation of both passengers and freight, the  
24 fraction above referred to shall be determined by means of  
25 an average of the passenger revenue mile fraction and the  
26 freight revenue mile fraction, weighted to reflect the

1 person's

2 (A) relative railway operating income from total  
3 passenger and total freight service, as reported to the  
4 Interstate Commerce Commission, in the case of  
5 transportation by railroad, and

6 (B) relative gross receipts from passenger and  
7 freight transportation, in case of transportation  
8 other than by railroad.

9 (2) Such business income derived from transportation  
10 by pipeline shall be apportioned to this State by  
11 multiplying such income by a fraction, the numerator of  
12 which is the revenue miles of the person in this State, and  
13 the denominator of which is the revenue miles of the person  
14 everywhere. For the purposes of this paragraph, a revenue  
15 mile is the transportation by pipeline of 1 barrel of oil,  
16 1,000 cubic feet of gas, or of any specified quantity of  
17 any other substance, the distance of 1 mile for a  
18 consideration.

19 (3) For taxable years ending on or after December 31,  
20 2008, business income derived from providing  
21 transportation services other than airline services shall  
22 be apportioned to this State by using a fraction, (a) the  
23 numerator of which shall be (i) all receipts from any  
24 movement or shipment of people, goods, mail, oil, gas, or  
25 any other substance (other than by airline) that both  
26 originates and terminates in this State, plus (ii) that

1 portion of the person's gross receipts from movements or  
2 shipments of people, goods, mail, oil, gas, or any other  
3 substance (other than by airline) that originates in one  
4 state or jurisdiction and terminates in another state or  
5 jurisdiction, that is determined by the ratio that the  
6 miles traveled in this State bears to total miles  
7 everywhere and (b) the denominator of which shall be all  
8 revenue derived from the movement or shipment of people,  
9 goods, mail, oil, gas, or any other substance (other than  
10 by airline). Where a taxpayer is engaged in the  
11 transportation of both passengers and freight, the  
12 fraction above referred to shall first be determined  
13 separately for passenger miles and freight miles. Then an  
14 average of the passenger miles fraction and the freight  
15 miles fraction shall be weighted to reflect the taxpayer's:

16 (A) relative railway operating income from total  
17 passenger and total freight service, as reported to the  
18 Surface Transportation Board, in the case of  
19 transportation by railroad; and

20 (B) relative gross receipts from passenger and  
21 freight transportation, in case of transportation  
22 other than by railroad.

23 (4) For taxable years ending on or after December 31,  
24 2008, business income derived from furnishing airline  
25 transportation services shall be apportioned to this State  
26 by multiplying such income by a fraction, the numerator of



1           which is the revenue miles of the person in this State, and  
2           the denominator of which is the revenue miles of the person  
3           everywhere. For purposes of this paragraph, a revenue mile  
4           is the transportation of one passenger or one net ton of  
5           freight the distance of one mile for a consideration. If a  
6           person is engaged in the transportation of both passengers  
7           and freight, the fraction above referred to shall be  
8           determined by means of an average of the passenger revenue  
9           mile fraction and the freight revenue mile fraction,  
10          weighted to reflect the person's relative gross receipts  
11          from passenger and freight airline transportation.

12          (e) Combined apportionment. Where 2 or more persons are  
13          engaged in a unitary business as described in subsection  
14          (a) (27) of Section 1501, a part of which is conducted in this  
15          State by one or more members of the group, the business income  
16          attributable to this State by any such member or members shall  
17          be apportioned by means of the combined apportionment method.

18          (f) Alternative allocation. If the allocation and  
19          apportionment provisions of subsections (a) through (e) and of  
20          subsection (h) do not, for taxable years ending before December  
21          31, 2008, fairly represent the extent of a person's business  
22          activity in this State, or, for taxable years ending on or  
23          after December 31, 2008, fairly represent the market for the  
24          person's goods, services, or other sources of business income,  
25          the person may petition for, or the Director may, without a  
26          petition, permit or require, in respect of all or any part of

1 the person's business activity, if reasonable:

2 (1) Separate accounting;

3 (2) The exclusion of any one or more factors;

4 (3) The inclusion of one or more additional factors  
5 which will fairly represent the person's business  
6 activities or market in this State; or

7 (4) The employment of any other method to effectuate an  
8 equitable allocation and apportionment of the person's  
9 business income.

10 (g) Cross reference. For allocation of business income by  
11 residents, see Section 301(a).

12 (h) For tax years ending on or after December 31, 1998, the  
13 apportionment factor of persons who apportion their business  
14 income to this State under subsection (a) shall be equal to:

15 (1) for tax years ending on or after December 31, 1998  
16 and before December 31, 1999,  $16 \frac{2}{3}\%$  of the property  
17 factor plus  $16 \frac{2}{3}\%$  of the payroll factor plus  $66 \frac{2}{3}\%$  of  
18 the sales factor;

19 (2) for tax years ending on or after December 31, 1999  
20 and before December 31, 2000,  $8 \frac{1}{3}\%$  of the property factor  
21 plus  $8 \frac{1}{3}\%$  of the payroll factor plus  $83 \frac{1}{3}\%$  of the sales  
22 factor;

23 (3) for tax years ending on or after December 31, 2000,  
24 the sales factor.

25 If, in any tax year ending on or after December 31, 1998 and  
26 before December 31, 2000, the denominator of the payroll,

1 property, or sales factor is zero, the apportionment factor  
2 computed in paragraph (1) or (2) of this subsection for that  
3 year shall be divided by an amount equal to 100% minus the  
4 percentage weight given to each factor whose denominator is  
5 equal to zero.

6 (Source: P.A. 100-201, eff. 8-18-17; 101-31, eff. 6-28-19;  
7 101-585, eff. 8-26-19; revised 9-12-19.)

8 (35 ILCS 5/710) (from Ch. 120, par. 7-710)

9 Sec. 710. Withholding from lottery winnings.

10 (a) In general.

11 (1) Any person making a payment to a resident or  
12 nonresident of winnings under the Illinois Lottery Law and  
13 not required to withhold Illinois income tax from such  
14 payment under Subsection (b) of Section 701 of this Act  
15 because those winnings are not subject to Federal income  
16 tax withholding, must withhold Illinois income tax from  
17 such payment at a rate equal to the percentage tax rate for  
18 individuals provided in subsection (b) of Section 201,  
19 provided that withholding is not required if such payment  
20 of winnings is less than \$1,000.

21 (2) In the case of an assignment of a lottery prize  
22 under Section 13.1 of the Illinois Lottery Law, any person  
23 making a payment of the purchase price after December 31,  
24 2013, shall withhold from the amount of each payment at a  
25 rate equal to the percentage tax rate for individuals

1 provided in subsection (b) of Section 201.

2 ~~(3) Any person making a payment after December 31, 2019~~  
3 ~~to a resident or nonresident of winnings from pari mutuel~~  
4 ~~wagering conducted at a wagering facility licensed under~~  
5 ~~the Illinois Horse Racing Act of 1975 or from gambling~~  
6 ~~games conducted on a riverboat or in a casino or~~  
7 ~~organization gaming facility licensed under the Illinois~~  
8 ~~Gambling Act must withhold Illinois income tax from such~~  
9 ~~payment at a rate equal to the percentage tax rate for~~  
10 ~~individuals provided in subsection (b) of Section 201,~~  
11 ~~provided that the person making the payment is required to~~  
12 ~~withhold under Section 3402(q) of the Internal Revenue~~  
13 ~~Code.~~

14 (b) Credit for taxes withheld. Any amount withheld under  
15 Subsection (a) shall be a credit against the Illinois income  
16 tax liability of the person to whom the payment of winnings was  
17 made for the taxable year in which that person incurred an  
18 Illinois income tax liability with respect to those winnings.

19 (Source: P.A. 101-31, eff. 6-28-19.)

20 Section 10-390. The Joliet Regional Port District Act is  
21 amended by changing Section 5.1 as follows:

22 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

23 Sec. 5.1. Riverboat ~~and casino~~ gambling. Notwithstanding  
24 any other provision of this Act, the District may not regulate

1 the operation, conduct, or navigation of any riverboat gambling  
2 casino licensed under the ~~Illinois~~ Riverboat Gambling Act, and  
3 the District may not license, tax, or otherwise levy any  
4 assessment of any kind on any riverboat gambling casino  
5 licensed under the ~~Illinois~~ Riverboat Gambling Act. The General  
6 Assembly declares that the powers to regulate the operation,  
7 conduct, and navigation of riverboat gambling casinos and to  
8 license, tax, and levy assessments upon riverboat gambling  
9 casinos are exclusive powers of the State of Illinois and the  
10 Illinois Gaming Board as provided in the ~~Illinois~~ Riverboat  
11 Gambling Act.

12 (Source: P.A. 101-31, eff. 6-28-19.)

13 Section 10-395. The Consumer Installment Loan Act is  
14 amended by changing Section 12.5 as follows:

15 (205 ILCS 670/12.5)

16 Sec. 12.5. Limited purpose branch.

17 (a) Upon the written approval of the Director, a licensee  
18 may maintain a limited purpose branch for the sole purpose of  
19 making loans as permitted by this Act. A limited purpose branch  
20 may include an automatic loan machine. No other activity shall  
21 be conducted at the site, including but not limited to,  
22 accepting payments, servicing the accounts, or collections.

23 (b) The licensee must submit an application for a limited  
24 purpose branch to the Director on forms prescribed by the

1 Director with an application fee of \$300. The approval for the  
2 limited purpose branch must be renewed concurrently with the  
3 renewal of the licensee's license along with a renewal fee of  
4 \$300 for the limited purpose branch.

5 (c) The books, accounts, records, and files of the limited  
6 purpose branch's transactions shall be maintained at the  
7 licensee's licensed location. The licensee shall notify the  
8 Director of the licensed location at which the books, accounts,  
9 records, and files shall be maintained.

10 (d) The licensee shall prominently display at the limited  
11 purpose branch the address and telephone number of the  
12 licensee's licensed location.

13 (e) No other business shall be conducted at the site of the  
14 limited purpose branch unless authorized by the Director.

15 (f) The Director shall make and enforce reasonable rules  
16 for the conduct of a limited purpose branch.

17 (g) A limited purpose branch may not be located within  
18 1,000 feet of a facility operated by an inter-track wagering  
19 licensee or an organization licensee subject to the Illinois  
20 Horse Racing Act of 1975, on a riverboat ~~or in a casino~~ subject  
21 to the ~~Illinois~~ Riverboat Gambling Act, or within 1,000 feet of  
22 the location at which the riverboat docks ~~or within 1,000 feet~~  
23 ~~of a casino~~.

24 (Source: P.A. 101-31, eff. 6-28-19.)

25 (230 ILCS 5/3.32 rep.)

1 (230 ILCS 5/3.33 rep.)

2 (230 ILCS 5/3.34 rep.)

3 (230 ILCS 5/3.35 rep.)

4 (230 ILCS 5/19.5 rep.)

5 (230 ILCS 5/34.3 rep.)

6 (230 ILCS 5/56 rep.)

7 Section 10-400. The Illinois Horse Racing Act of 1975 is  
8 amended by repealing Sections 3.32, 3.33, 3.34, 3.35, 19.5,  
9 34.3, and 56, all as added by Public Act 101-31.

10 Section 10-405. The Illinois Horse Racing Act of 1975 is  
11 amended by changing Sections 1.2, 3.11, 3.12, 6, 9, 15, 18, 19,  
12 20, 21, 24, 25, 26, 26.8, 26.9, 27, 29, 30, 30.5, 31, 31.1,  
13 32.1, 36, 40, and 54.75 as follows:

14 (230 ILCS 5/1.2)

15 Sec. 1.2. Legislative intent. This Act is intended to  
16 benefit the people of the State of Illinois by ~~encouraging the~~  
17 ~~breeding and production of race horses,~~ assisting economic  
18 development and promoting Illinois tourism. The General  
19 Assembly finds and declares it to be the public policy of the  
20 State of Illinois to:

21 (a) support and enhance Illinois' horse racing industry,  
22 which is a significant component within the agribusiness  
23 industry;

24 (b) ensure that Illinois' horse racing industry remains

1 competitive with neighboring states;

2 (c) stimulate growth within Illinois' horse racing  
3 industry, thereby encouraging new investment and development  
4 to produce additional tax revenues and to create additional  
5 jobs;

6 (d) promote the further growth of tourism;

7 (e) encourage the breeding of thoroughbred and  
8 standardbred horses in this State; and

9 (f) ensure that public confidence and trust in the  
10 credibility and integrity of racing operations and the  
11 regulatory process is maintained.

12 (Source: P.A. 101-31, eff. 6-28-19.)

13 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

14 Sec. 3.11. "Organization Licensee" means any person  
15 receiving an organization license from the Board to conduct a  
16 race meeting or meetings. ~~With respect only to organization  
17 gaming, "organization licensee" includes the authorization for  
18 an organization gaming license under subsection (a) of Section  
19 56 of this Act.~~

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

22 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel  
23 system of wagering" means a form of wagering on the outcome of  
24 horse races in which wagers are made in various denominations



1 on a horse or horses and all wagers for each race are pooled  
2 and held by a licensee for distribution in a manner approved by  
3 the Board. ~~"Pari-mutuel system of wagering" shall not include~~  
4 ~~wagering on historic races.~~ Wagers may be placed via any method  
5 or at any location authorized under this Act.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

8 ~~Sec. 6. Restrictions on Board members.~~

9 (a) ~~No person shall be appointed a member of the Board or~~  
10 ~~continue to be a member of the Board if the person or any~~  
11 ~~member of their immediate family is a member of the Board of~~  
12 ~~Directors, employee, or financially interested in any of the~~  
13 ~~following: (i) any licensee or other person who has applied for~~  
14 ~~racing dates to the Board, or the operations thereof including,~~  
15 ~~but not limited to, concessions, data processing, track~~  
16 ~~maintenance, track security, and pari mutuel operations,~~  
17 ~~located, scheduled or doing business within the State of~~  
18 ~~Illinois, (ii) any race horse competing at a meeting under the~~  
19 ~~Board's jurisdiction, or (iii) any licensee under the Illinois~~  
20 ~~Gambling Act. No person shall be appointed a member of the~~  
21 ~~Board or continue to be a member of the Board who is (or any~~  
22 ~~member of whose family is) a member of the Board of Directors~~  
23 ~~of, or who is a person financially interested in, any licensee~~  
24 ~~or other person who has applied for racing dates to the Board,~~  
25 ~~or the operations thereof including, but not limited to,~~

1 concessions, data processing, track maintenance, track  
2 security and pari-mutuel operations, located, scheduled or  
3 doing business within the State of Illinois, or in any race  
4 horse competing at a meeting under the Board's jurisdiction. No  
5 Board member shall hold any other public office for which he  
6 shall receive compensation other than necessary travel or other  
7 incidental expenses.

8 (b) No person shall be a member of the Board who is not of  
9 good moral character or who has been convicted of, or is under  
10 indictment for, a felony under the laws of Illinois or any  
11 other state, or the United States.

12 ~~(c) No member of the Board or employee shall engage in any~~  
13 ~~political activity.~~

14 ~~For the purposes of this subsection (c):~~

15 ~~"Political" means any activity in support of or in~~  
16 ~~connection with any campaign for State or local elective office~~  
17 ~~or any political organization, but does not include activities~~  
18 ~~(i) relating to the support or opposition of any executive,~~  
19 ~~legislative, or administrative action (as those terms are~~  
20 ~~defined in Section 2 of the Lobbyist Registration Act), (ii)~~  
21 ~~relating to collective bargaining, or (iii) that are otherwise~~  
22 ~~in furtherance of the person's official State duties or~~  
23 ~~governmental and public service functions.~~

24 ~~"Political organization" means a party, committee,~~  
25 ~~association, fund, or other organization (whether or not~~  
26 ~~incorporated) that is required to file a statement of~~

1 ~~organization with the State Board of Elections or county clerk~~  
2 ~~under Section 9-3 of the Election Code, but only with regard to~~  
3 ~~those activities that require filing with the State Board of~~  
4 ~~Elections or county clerk.~~

5 ~~(d) Board members and employees may not engage in~~  
6 ~~communications or any activity that may cause or have the~~  
7 ~~appearance of causing a conflict of interest. A conflict of~~  
8 ~~interest exists if a situation influences or creates the~~  
9 ~~appearance that it may influence judgment or performance of~~  
10 ~~regulatory duties and responsibilities. This prohibition shall~~  
11 ~~extend to any act identified by Board action that, in the~~  
12 ~~judgment of the Board, could represent the potential for or the~~  
13 ~~appearance of a conflict of interest.~~

14 ~~(e) Board members and employees may not accept any gift,~~  
15 ~~gratuity, service, compensation, travel, lodging, or thing of~~  
16 ~~value, with the exception of unsolicited items of an incidental~~  
17 ~~nature, from any person, corporation, limited liability~~  
18 ~~company, or entity doing business with the Board.~~

19 ~~(f) A Board member or employee shall not use or attempt to~~  
20 ~~use his or her official position to secure, or attempt to~~  
21 ~~secure, any privilege, advantage, favor, or influence for~~  
22 ~~himself or herself or others. No Board member or employee,~~  
23 ~~within a period of one year immediately preceding nomination by~~  
24 ~~the Governor or employment, shall have been employed or~~  
25 ~~received compensation or fees for services from a person or~~  
26 ~~entity, or its parent or affiliate, that has engaged in~~

1 ~~business with the Board, a licensee or a licensee under the~~  
2 ~~Illinois Gambling Act. In addition, all Board members and~~  
3 ~~employees are subject to the restrictions set forth in Section~~  
4 ~~5-45 of the State Officials and Employees Ethics Act.~~

5 (Source: P.A. 101-31, eff. 6-28-19.)

6 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

7 Sec. 9. The Board shall have all powers necessary and  
8 proper to fully and effectively execute the provisions of this  
9 Act, including, but not limited to, the following:

10 (a) The Board is vested with jurisdiction and supervision  
11 over all race meetings in this State, over all licensees doing  
12 business in this State, over all occupation licensees, and over  
13 all persons on the facilities of any licensee. Such  
14 jurisdiction shall include the power to issue licenses to the  
15 Illinois Department of Agriculture authorizing the pari-mutuel  
16 system of wagering on harness and Quarter Horse races held (1)  
17 at the Illinois State Fair in Sangamon County, and (2) at the  
18 DuQuoin State Fair in Perry County. The jurisdiction of the  
19 Board shall also include the power to issue licenses to county  
20 fairs which are eligible to receive funds pursuant to the  
21 Agricultural Fair Act, as now or hereafter amended, or their  
22 agents, authorizing the pari-mutuel system of wagering on horse  
23 races conducted at the county fairs receiving such licenses.  
24 Such licenses shall be governed by subsection (n) of this  
25 Section.

1           Upon application, the Board shall issue a license to the  
2 Illinois Department of Agriculture to conduct harness and  
3 Quarter Horse races at the Illinois State Fair and at the  
4 DuQuoin State Fairgrounds during the scheduled dates of each  
5 fair. The Board shall not require and the Department of  
6 Agriculture shall be exempt from the requirements of Sections  
7 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),  
8 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24  
9 and 25. The Board and the Department of Agriculture may extend  
10 any or all of these exemptions to any contractor or agent  
11 engaged by the Department of Agriculture to conduct its race  
12 meetings when the Board determines that this would best serve  
13 the public interest and the interest of horse racing.

14           Notwithstanding any provision of law to the contrary, it  
15 shall be lawful for any licensee to operate pari-mutuel  
16 wagering or contract with the Department of Agriculture to  
17 operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
18 or for the Department to enter into contracts with a licensee,  
19 employ its owners, employees or agents and employ such other  
20 occupation licensees as the Department deems necessary in  
21 connection with race meetings and wagerings.

22           (b) The Board is vested with the full power to promulgate  
23 reasonable rules and regulations for the purpose of  
24 administering the provisions of this Act and to prescribe  
25 reasonable rules, regulations and conditions under which all  
26 horse race meetings or wagering in the State shall be

1 conducted. Such reasonable rules and regulations are to provide  
2 for the prevention of practices detrimental to the public  
3 interest and to promote the best interests of horse racing and  
4 to impose penalties for violations thereof.

5 (c) The Board, and any person or persons to whom it  
6 delegates this power, is vested with the power to enter the  
7 facilities and other places of business of any licensee to  
8 determine whether there has been compliance with the provisions  
9 of this Act and its rules and regulations.

10 (d) The Board, and any person or persons to whom it  
11 delegates this power, is vested with the authority to  
12 investigate alleged violations of the provisions of this Act,  
13 its reasonable rules and regulations, orders and final  
14 decisions; the Board shall take appropriate disciplinary  
15 action against any licensee or occupation licensee for  
16 violation thereof or institute appropriate legal action for the  
17 enforcement thereof.

18 (e) The Board, and any person or persons to whom it  
19 delegates this power, may eject or exclude from any race  
20 meeting or the facilities of any licensee, or any part thereof,  
21 any occupation licensee or any other individual whose conduct  
22 or reputation is such that his presence on those facilities  
23 may, in the opinion of the Board, call into question the  
24 honesty and integrity of horse racing or wagering or interfere  
25 with the orderly conduct of horse racing or wagering; provided,  
26 however, that no person shall be excluded or ejected from the

1 facilities of any licensee solely on the grounds of race,  
2 color, creed, national origin, ancestry, or sex. The power to  
3 eject or exclude an occupation licensee or other individual may  
4 be exercised for just cause by the licensee or the Board,  
5 subject to subsequent hearing by the Board as to the propriety  
6 of said exclusion.

7 (f) The Board is vested with the power to acquire,  
8 establish, maintain and operate (or provide by contract to  
9 maintain and operate) testing laboratories and related  
10 facilities, for the purpose of conducting saliva, blood, urine  
11 and other tests on the horses run or to be run in any horse race  
12 meeting, ~~including races run at county fairs,~~ and to purchase  
13 all equipment and supplies deemed necessary or desirable in  
14 connection with any such testing laboratories and related  
15 facilities and all such tests.

16 (g) The Board may require that the records, including  
17 financial or other statements of any licensee or any person  
18 affiliated with the licensee who is involved directly or  
19 indirectly in the activities of any licensee as regulated under  
20 this Act to the extent that those financial or other statements  
21 relate to such activities be kept in such manner as prescribed  
22 by the Board, and that Board employees shall have access to  
23 those records during reasonable business hours. Within 120 days  
24 of the end of its fiscal year, each licensee shall transmit to  
25 the Board an audit of the financial transactions and condition  
26 of the licensee's total operations. All audits shall be

1 conducted by certified public accountants. Each certified  
2 public accountant must be registered in the State of Illinois  
3 under the Illinois Public Accounting Act. The compensation for  
4 each certified public accountant shall be paid directly by the  
5 licensee to the certified public accountant. A licensee shall  
6 also submit any other financial or related information the  
7 Board deems necessary to effectively administer this Act and  
8 all rules, regulations, and final decisions promulgated under  
9 this Act.

10 (h) The Board shall name and appoint in the manner provided  
11 by the rules and regulations of the Board: an Executive  
12 Director; a State director of mutuels; State veterinarians and  
13 representatives to take saliva, blood, urine and other tests on  
14 horses; licensing personnel; revenue inspectors; and State  
15 seasonal employees (excluding admission ticket sellers and  
16 mutuel clerks). All of those named and appointed as provided in  
17 this subsection shall serve during the pleasure of the Board;  
18 their compensation shall be determined by the Board and be paid  
19 in the same manner as other employees of the Board under this  
20 Act.

21 (i) The Board shall require that there shall be 3 stewards  
22 at each horse race meeting, at least 2 of whom shall be named  
23 and appointed by the Board. Stewards appointed or approved by  
24 the Board, while performing duties required by this Act or by  
25 the Board, shall be entitled to the same rights and immunities  
26 as granted to Board members and Board employees in Section 10



1 of this Act.

2 (j) The Board may discharge any Board employee who fails or  
3 refuses for any reason to comply with the rules and regulations  
4 of the Board, or who, in the opinion of the Board, is guilty of  
5 fraud, dishonesty or who is proven to be incompetent. The Board  
6 shall have no right or power to determine who shall be  
7 officers, directors or employees of any licensee, or their  
8 salaries except the Board may, by rule, require that all or any  
9 officials or employees in charge of or whose duties relate to  
10 the actual running of races be approved by the Board.

11 (k) The Board is vested with the power to appoint delegates  
12 to execute any of the powers granted to it under this Section  
13 for the purpose of administering this Act and any rules or  
14 regulations promulgated in accordance with this Act.

15 (l) The Board is vested with the power to impose civil  
16 penalties of up to \$5,000 against an individual and up to  
17 \$10,000 against a licensee for each violation of any provision  
18 of this Act, any rules adopted by the Board, any order of the  
19 Board or any other action which, in the Board's discretion, is  
20 a detriment or impediment to horse racing or wagering.  
21 ~~Beginning on the date when any organization licensee begins~~  
22 ~~conducting gaming pursuant to an organization gaming license~~  
23 ~~issued under the Illinois Gambling Act, the power granted to~~  
24 ~~the Board pursuant to this subsection (l) shall authorize the~~  
25 ~~Board to impose penalties of up to \$10,000 against an~~  
26 ~~individual and up to \$25,000 against a licensee. All such civil~~

1 penalties shall be deposited into the Horse Racing Fund.

2 (m) The Board is vested with the power to prescribe a form  
3 to be used by licensees as an application for employment for  
4 employees of each licensee.

5 (n) The Board shall have the power to issue a license to  
6 any county fair, or its agent, authorizing the conduct of the  
7 pari-mutuel system of wagering. The Board is vested with the  
8 full power to promulgate reasonable rules, regulations and  
9 conditions under which all horse race meetings licensed  
10 pursuant to this subsection shall be held and conducted,  
11 including rules, regulations and conditions for the conduct of  
12 the pari-mutuel system of wagering. The rules, regulations and  
13 conditions shall provide for the prevention of practices  
14 detrimental to the public interest and for the best interests  
15 of horse racing, and shall prescribe penalties for violations  
16 thereof. Any authority granted the Board under this Act shall  
17 extend to its jurisdiction and supervision over county fairs,  
18 or their agents, licensed pursuant to this subsection. However,  
19 the Board may waive any provision of this Act or its rules or  
20 regulations which would otherwise apply to such county fairs or  
21 their agents.

22 (o) Whenever the Board is authorized or required by law to  
23 consider some aspect of criminal history record information for  
24 the purpose of carrying out its statutory powers and  
25 responsibilities, then, upon request and payment of fees in  
26 conformance with the requirements of Section 2605-400 of the

1 Department of State Police Law (20 ILCS 2605/2605-400), the  
2 Department of State Police is authorized to furnish, pursuant  
3 to positive identification, such information contained in  
4 State files as is necessary to fulfill the request.

5 (p) To insure the convenience, comfort, and wagering  
6 accessibility of race track patrons, to provide for the  
7 maximization of State revenue, and to generate increases in  
8 purse allotments to the horsemen, the Board shall require any  
9 licensee to staff the pari-mutuel department with adequate  
10 personnel.

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

13 Sec. 15. (a) The Board shall, in its discretion, issue  
14 occupation licenses to horse owners, trainers, harness  
15 drivers, jockeys, agents, apprentices, grooms, stable foremen,  
16 exercise persons, veterinarians, valets, blacksmiths,  
17 concessionaires and others designated by the Board whose work,  
18 in whole or in part, is conducted upon facilities within the  
19 State. Such occupation licenses will be obtained prior to the  
20 persons engaging in their vocation upon such facilities. The  
21 Board shall not license pari-mutuel clerks, parking  
22 attendants, security guards and employees of concessionaires.  
23 No occupation license shall be required of any person who works  
24 at facilities within this State as a pari-mutuel clerk, parking  
25 attendant, security guard or as an employee of a

1 concessionaire. Concessionaires of the Illinois State Fair and  
2 DuQuoin State Fair and employees of the Illinois Department of  
3 Agriculture shall not be required to obtain an occupation  
4 license by the Board.

5 (b) Each application for an occupation license shall be on  
6 forms prescribed by the Board. Such license, when issued, shall  
7 be for the period ending December 31 of each year, except that  
8 the Board in its discretion may grant 3-year licenses. The  
9 application shall be accompanied by a fee of not more than \$25  
10 per year or, in the case of 3-year occupation license  
11 applications, a fee of not more than \$60. Each applicant shall  
12 set forth in the application his full name and address, and if  
13 he had been issued prior occupation licenses or has been  
14 licensed in any other state under any other name, such name,  
15 his age, whether or not a permit or license issued to him in  
16 any other state has been suspended or revoked and if so whether  
17 such suspension or revocation is in effect at the time of the  
18 application, and such other information as the Board may  
19 require. Fees for registration of stable names shall not exceed  
20 \$50.00. ~~Beginning on the date when any organization licensee~~  
21 ~~begins conducting gaming pursuant to an organization gaming~~  
22 ~~license issued under the Illinois Gambling Act, the fee for~~  
23 ~~registration of stable names shall not exceed \$150, and the~~  
24 ~~application fee for an occupation license shall not exceed \$75,~~  
25 ~~per year or, in the case of a 3-year occupation license~~  
26 ~~application, the fee shall not exceed \$180.~~

1 (c) The Board may in its discretion refuse an occupation  
2 license to any person:

3 (1) who has been convicted of a crime;

4 (2) who is unqualified to perform the duties required  
5 of such applicant;

6 (3) who fails to disclose or states falsely any  
7 information called for in the application;

8 (4) who has been found guilty of a violation of this  
9 Act or of the rules and regulations of the Board; or

10 (5) whose license or permit has been suspended, revoked  
11 or denied for just cause in any other state.

12 (d) The Board may suspend or revoke any occupation license:

13 (1) for violation of any of the provisions of this Act;

14 or

15 (2) for violation of any of the rules or regulations of  
16 the Board; or

17 (3) for any cause which, if known to the Board, would  
18 have justified the Board in refusing to issue such  
19 occupation license; or

20 (4) for any other just cause.

21 (e) Each applicant shall submit his or her fingerprints  
22 to the Department of State Police in the form and manner  
23 prescribed by the Department of State Police. These  
24 fingerprints shall be checked against the fingerprint records  
25 now and hereafter filed in the Department of State Police and  
26 Federal Bureau of Investigation criminal history records

1 databases. The Department of State Police shall charge a fee  
2 for conducting the criminal history records check, which shall  
3 be deposited in the State Police Services Fund and shall not  
4 exceed the actual cost of the records check. The Department of  
5 State Police shall furnish, pursuant to positive  
6 identification, records of conviction to the Board. Each  
7 applicant for licensure shall submit with his occupation  
8 license application, on forms provided by the Board, 2 sets of  
9 his fingerprints. All such applicants shall appear in person at  
10 the location designated by the Board for the purpose of  
11 submitting such sets of fingerprints; however, with the prior  
12 approval of a State steward, an applicant may have such sets of  
13 fingerprints taken by an official law enforcement agency and  
14 submitted to the Board.

15 (f) The Board may, in its discretion, issue an occupation  
16 license without submission of fingerprints if an applicant has  
17 been duly licensed in another recognized racing jurisdiction  
18 after submitting fingerprints that were subjected to a Federal  
19 Bureau of Investigation criminal history background check in  
20 that jurisdiction.

21 ~~(g) Beginning on the date when any organization licensee~~  
22 ~~begins conducting gaming pursuant to an organization gaming~~  
23 ~~license issued under the Illinois Gambling Act, the Board may~~  
24 ~~charge each applicant a reasonable nonrefundable fee to defray~~  
25 ~~the costs associated with the background investigation~~  
26 ~~conducted by the Board. This fee shall be exclusive of any~~

1 ~~either fee or fees charged in connection with an application for~~  
2 ~~and, if applicable, the issuance of, an organization gaming~~  
3 ~~license. If the costs of the investigation exceed the amount of~~  
4 ~~the fee charged, the Board shall immediately notify the~~  
5 ~~applicant of the additional amount owed, payment of which must~~  
6 ~~be submitted to the Board within 7 days after such~~  
7 ~~notification. All information, records, interviews, reports,~~  
8 ~~statements, memoranda, or other data supplied to or used by the~~  
9 ~~Board in the course of its review or investigation of an~~  
10 ~~applicant for a license or renewal under this Act shall be~~  
11 ~~privileged, strictly confidential, and shall be used only for~~  
12 ~~the purpose of evaluating an applicant for a license or a~~  
13 ~~renewal. Such information, records, interviews, reports,~~  
14 ~~statements, memoranda, or other data shall not be admissible as~~  
15 ~~evidence, nor discoverable, in any action of any kind in any~~  
16 ~~court or before any tribunal, board, agency, or person, except~~  
17 ~~for any action deemed necessary by the Board.~~

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

20 Sec. 18. (a) Together with its application, each applicant  
21 for racing dates shall deliver to the Board a certified check  
22 or bank draft payable to the order of the Board for \$1,000. In  
23 the event the applicant applies for racing dates in 2 or 3  
24 successive calendar years as provided in subsection (b) of  
25 Section 21, the fee shall be \$2,000. Filing fees shall not be

1 refunded in the event the application is denied. ~~Beginning on~~  
2 ~~the date when any organization licensee begins conducting~~  
3 ~~gaming pursuant to an organization gaming license issued under~~  
4 ~~the Illinois Gambling Act, the application fee for racing dates~~  
5 ~~imposed by this subsection (a) shall be \$10,000 and the~~  
6 ~~application fee for racing dates in 2 or 3 successive calendar~~  
7 ~~years as provided in subsection (b) of Section 21 shall be~~  
8 ~~\$20,000.~~ All filing fees shall be deposited into the Horse  
9 Racing Fund.

10 (b) In addition to the filing fee ~~imposed by subsection (a)~~  
11 ~~of \$1000~~ and the fees provided in subsection (j) of Section 20,  
12 each organization licensee shall pay a license fee of \$100 for  
13 each racing program on which its daily pari-mutuel handle is  
14 \$400,000 or more but less than \$700,000, and a license fee of  
15 \$200 for each racing program on which its daily pari-mutuel  
16 handle is \$700,000 or more. The additional fees required to be  
17 paid under this Section by this amendatory Act of 1982 shall be  
18 remitted by the organization licensee to the Illinois Racing  
19 Board with each day's graduated privilege tax or pari-mutuel  
20 tax and breakage as provided under Section 27. ~~Beginning on the~~  
21 ~~date when any organization licensee begins conducting gaming~~  
22 ~~pursuant to an organization gaming license issued under the~~  
23 ~~Illinois Gambling Act, the license fee imposed by this~~  
24 ~~subsection (b) shall be \$200 for each racing program on which~~  
25 ~~the organization licensee's daily pari-mutuel handle is~~  
26 ~~\$100,000 or more, but less than \$400,000, and the license fee~~



1 ~~imposed by this subsection (b) shall be \$400 for each racing~~  
2 ~~program on which the organization licensee's daily pari mutuel~~  
3 ~~handle is \$400,000 or more.~~

4 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the "Illinois  
5 Municipal Code," approved May 29, 1961, as now or hereafter  
6 amended, shall not apply to any license under this Act.

7 (Source: P.A. 101-31, eff. 6-28-19.)

8 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

9 Sec. 19. (a) No organization license may be granted to  
10 conduct a horse race meeting:

11 (1) except as provided in subsection (c) of Section 21  
12 of this Act, to any person at any place within 35 miles of  
13 any other place licensed by the Board to hold a race  
14 meeting on the same date during the same hours, the mileage  
15 measurement used in this subsection (a) shall be certified  
16 to the Board by the Bureau of Systems and Services in the  
17 Illinois Department of Transportation as the most commonly  
18 used public way of vehicular travel;

19 (2) to any person in default in the payment of any  
20 obligation or debt due the State under this Act, provided  
21 no applicant shall be deemed in default in the payment of  
22 any obligation or debt due to the State under this Act as  
23 long as there is pending a hearing of any kind relevant to  
24 such matter;

25 (3) to any person who has been convicted of the

1 violation of any law of the United States or any State law  
2 which provided as all or part of its penalty imprisonment  
3 in any penal institution; to any person against whom there  
4 is pending a Federal or State criminal charge; to any  
5 person who is or has been connected with or engaged in the  
6 operation of any illegal business; to any person who does  
7 not enjoy a general reputation in his community of being an  
8 honest, upright, law-abiding person; provided that none of  
9 the matters set forth in this subparagraph (3) shall make  
10 any person ineligible to be granted an organization license  
11 if the Board determines, based on circumstances of any such  
12 case, that the granting of a license would not be  
13 detrimental to the interests of horse racing and of the  
14 public;

15 (4) to any person who does not at the time of  
16 application for the organization license own or have a  
17 contract or lease for the possession of a finished race  
18 track suitable for the type of racing intended to be held  
19 by the applicant and for the accommodation of the public.

20 (b) ~~(Blank)~~ Horse racing on Sunday shall be prohibited  
21 unless authorized by ordinance or referendum of the  
22 municipality in which a race track or any of its appurtenances  
23 or facilities are located, or utilized.

24 (c) If any person is ineligible to receive an organization  
25 license because of any of the matters set forth in subsection  
26 (a) (2) or subsection (a) (3) of this Section, any other or

1 separate person that either (i) controls, directly or  
2 indirectly, such ineligible person or (ii) is controlled,  
3 directly or indirectly, by such ineligible person or by a  
4 person which controls, directly or indirectly, such ineligible  
5 person shall also be ineligible.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

8 Sec. 20. (a) Any person desiring to conduct a horse race  
9 meeting may apply to the Board for an organization license. The  
10 application shall be made on a form prescribed and furnished by  
11 the Board. The application shall specify:

12 (1) the dates on which it intends to conduct the horse  
13 race meeting, which dates shall be provided under Section  
14 21;

15 (2) the hours of each racing day between which it  
16 intends to hold or conduct horse racing at such meeting;

17 (3) the location where it proposes to conduct the  
18 meeting; and

19 (4) any other information the Board may reasonably  
20 require.

21 (b) A separate application for an organization license  
22 shall be filed for each horse race meeting which such person  
23 proposes to hold. Any such application, if made by an  
24 individual, or by any individual as trustee, shall be signed  
25 and verified under oath by such individual. If ~~the application~~

1 ~~is~~ made by individuals, ~~then it shall be signed and verified~~  
2 ~~under oath by at least 2 of the individuals; if the application~~  
3 ~~is made by~~ or a partnership, it shall be signed and verified  
4 under oath by at least 2 of such individuals or members of such  
5 partnership as the case may be. If made by an association, a  
6 corporation, a corporate trustee, a limited liability company,  
7 or any other entity, it shall be signed by an authorized  
8 officer, a partner, a member, or a manager, as the case may be,  
9 of the entity the president and attested by the secretary or  
10 assistant secretary under the seal of such association, trust  
11 or corporation if it has a seal, and shall also be verified  
12 under oath by one of the signing officers.

13 (c) The application shall specify:

14 ~~(1)~~ the name of the persons, association, trust, or  
15 corporation making such application, ~~and~~

16 ~~(2)~~ the ~~principal~~ post office address of the applicant;

17 ~~(3)~~ if the applicant is a trustee, the names and  
18 addresses of the beneficiaries; if ~~the applicant is~~ a  
19 corporation, the names and post office addresses of all  
20 officers, stockholders and directors; or if such  
21 stockholders hold stock as a nominee or fiduciary, the  
22 names and post office addresses of ~~the parties~~ these  
23 persons, partnerships, corporations, or trusts who are the  
24 beneficial owners thereof or who are beneficially  
25 interested therein; and if ~~the applicant is~~ a partnership,  
26 the names and post office addresses of all partners,

1           general or limited; if the applicant is a ~~limited liability~~  
2           ~~company, the names and addresses of the manager and~~  
3           ~~members; and if the applicant is any other entity, the~~  
4           ~~names and addresses of all officers or other authorized~~  
5           ~~persons of the entity~~ corporation, the name of the state of  
6           its incorporation shall be specified.

7           (d) The applicant shall execute and file with the Board a  
8           good faith affirmative action plan to recruit, train, and  
9           upgrade minorities in all classifications within the  
10          association.

11          (e) With such application there shall be delivered to the  
12          Board a certified check or bank draft payable to the order of  
13          the Board for an amount equal to \$1,000. All applications for  
14          the issuance of an organization license shall be filed with the  
15          Board before August 1 of the year prior to the year for which  
16          application is made and shall be acted upon by the Board at a  
17          meeting to be held on such date as shall be fixed by the Board  
18          during the last 15 days of September of such prior year. At  
19          such meeting, the Board shall announce the award of the racing  
20          meets, live racing schedule, and designation of host track to  
21          the applicants and its approval or disapproval of each  
22          application. No announcement shall be considered binding until  
23          a formal order is executed by the Board, which shall be  
24          executed no later than October 15 of that prior year. Absent  
25          the agreement of the affected organization licensees, the Board  
26          shall not grant overlapping race meetings to 2 or more tracks

1 that are within 100 miles of each other to conduct the  
2 thoroughbred racing.

3 ~~(c-1) The Board shall award standardbred racing dates to~~  
4 ~~organization licensees with an organization gaming license~~  
5 ~~pursuant to the following schedule:~~

6 ~~(1) For the first calendar year of operation of~~  
7 ~~gambling games by an organization gaming licensee under~~  
8 ~~this amendatory Act of the 101st General Assembly, when a~~  
9 ~~single entity requests standardbred racing dates, the~~  
10 ~~Board shall award no fewer than 100 days of racing. The~~  
11 ~~100-day requirement may be reduced to no fewer than 80 days~~  
12 ~~if no dates are requested for the first 3 months of a~~  
13 ~~calendar year. If more than one entity requests~~  
14 ~~standardbred racing dates, the Board shall award no fewer~~  
15 ~~than 140 days of racing between the applicants.~~

16 ~~(2) For the second calendar year of operation of~~  
17 ~~gambling games by an organization gaming licensee under~~  
18 ~~this amendatory Act of the 101st General Assembly, when a~~  
19 ~~single entity requests standardbred racing dates, the~~  
20 ~~Board shall award no fewer than 100 days of racing. The~~  
21 ~~100-day requirement may be reduced to no fewer than 80 days~~  
22 ~~if no dates are requested for the first 3 months of a~~  
23 ~~calendar year. If more than one entity requests~~  
24 ~~standardbred racing dates, the Board shall award no fewer~~  
25 ~~than 160 days of racing between the applicants.~~

26 ~~(3) For the third calendar year of operation of~~

1 ~~gambling games by an organization gaming licensee under~~  
2 ~~this amendatory Act of the 101st General Assembly, and each~~  
3 ~~calendar year thereafter, when a single entity requests~~  
4 ~~standardbred racing dates, the Board shall award no fewer~~  
5 ~~than 120 days of racing. The 120 day requirement may be~~  
6 ~~reduced to no fewer than 100 days if no dates are requested~~  
7 ~~for the first 3 months of a calendar year. If more than one~~  
8 ~~entity requests standardbred racing dates, the Board shall~~  
9 ~~award no fewer than 200 days of racing between the~~  
10 ~~applicants.~~

11 ~~An organization licensee shall apply for racing dates~~  
12 ~~pursuant to this subsection (c-1). In awarding racing dates~~  
13 ~~under this subsection (c-1), the Board shall have the~~  
14 ~~discretion to allocate those standardbred racing dates among~~  
15 ~~these organization licensees.~~

16 ~~(c-2) The Board shall award thoroughbred racing days to~~  
17 ~~Cook County organization licensees pursuant to the following~~  
18 ~~schedule:~~

19 ~~(1) During the first year in which only one~~  
20 ~~organization licensee is awarded an organization gaming~~  
21 ~~license, the Board shall award no fewer than 110 days of~~  
22 ~~racing.~~

23 ~~During the second year in which only one organization~~  
24 ~~licensee is awarded an organization gaming license, the~~  
25 ~~Board shall award no fewer than 115 racing days.~~

26 ~~During the third year and every year thereafter, in~~

1 ~~which only one organization licensee is awarded an~~  
2 ~~organization gaming license, the Board shall award no fewer~~  
3 ~~than 120 racing days.~~

4 ~~(2) During the first year in which 2 organization~~  
5 ~~licensees are awarded an organization gaming license, the~~  
6 ~~Board shall award no fewer than 139 total racing days.~~

7 ~~During the second year in which 2 organization~~  
8 ~~licensees are awarded an organization gaming license, the~~  
9 ~~Board shall award no fewer than 160 total racing days.~~

10 ~~During the third year and every year thereafter in~~  
11 ~~which 2 organization licensees are awarded an organization~~  
12 ~~gaming license, the Board shall award no fewer than 174~~  
13 ~~total racing days.~~

14 ~~A Cook County organization licensee shall apply for racing~~  
15 ~~dates pursuant to this subsection (c-2). In awarding racing~~  
16 ~~dates under this subsection (c-2), the Board shall have the~~  
17 ~~discretion to allocate those thoroughbred racing dates among~~  
18 ~~these Cook County organization licensees.~~

19 ~~(c-3) In awarding racing dates for calendar year 2020 and~~  
20 ~~thereafter in connection with a racetrack in Madison County,~~  
21 ~~the Board shall award racing dates and such organization~~  
22 ~~licensee shall run at least 700 thoroughbred races at the~~  
23 ~~racetrack in Madison County each year.~~

24 ~~Notwithstanding Section 7.7 of the Illinois Gambling Act or~~  
25 ~~any provision of this Act other than subsection (c-4.5), for~~  
26 ~~each calendar year for which an organization gaming licensee~~



1 ~~located in Madison County requests racing dates resulting in~~  
2 ~~less than 700 live thoroughbred races at its racetrack~~  
3 ~~facility, the organization gaming licensee may not conduct~~  
4 ~~gaming pursuant to an organization gaming license issued under~~  
5 ~~the Illinois Gambling Act for the calendar year of such~~  
6 ~~requested live races.~~

7 ~~(c 4) Notwithstanding the provisions of Section 7.7 of the~~  
8 ~~Illinois Gambling Act or any provision of this Act other than~~  
9 ~~subsections (c 3) and (c 4.5), for each calendar year for which~~  
10 ~~an organization gaming licensee requests thoroughbred racing~~  
11 ~~dates which results in a number of live races under its~~  
12 ~~organization license that is less than the total number of live~~  
13 ~~races which it conducted in 2017 at its racetrack facility, the~~  
14 ~~organization gaming licensee may not conduct gaming pursuant to~~  
15 ~~its organization gaming license for the calendar year of such~~  
16 ~~requested live races.~~

17 ~~(c 4.1) Notwithstanding the provisions of Section 7.7 of~~  
18 ~~the Illinois Gambling Act or any provision of this Act other~~  
19 ~~than subsections (c 3) and (c 4.5), for each calendar year for~~  
20 ~~which an organization licensee requests racing dates for~~  
21 ~~standardbred racing which results in a number of live races~~  
22 ~~that is less than the total number of live races required in~~  
23 ~~subsection (c 1), the organization gaming licensee may not~~  
24 ~~conduct gaming pursuant to its organization gaming license for~~  
25 ~~the calendar year of such requested live races.~~

26 ~~(c 4.5) The Board shall award the minimum live racing~~

1 ~~guarantees contained in subsections (e-1), (e-2), and (e-3) to~~  
2 ~~ensure that each organization licensee shall individually run a~~  
3 ~~sufficient number of races per year to qualify for an~~  
4 ~~organization gaming license under this Act. The General~~  
5 ~~Assembly finds that the minimum live racing guarantees~~  
6 ~~contained in subsections (e-1), (e-2), and (e-3) are in the~~  
7 ~~best interest of the sport of horse racing, and that such~~  
8 ~~guarantees may only be reduced in the calendar year in which~~  
9 ~~they will be conducted in the limited circumstances described~~  
10 ~~in this subsection. The Board may decrease the number of racing~~  
11 ~~days without affecting an organization licensee's ability to~~  
12 ~~conduct gaming pursuant to an organization gaming license~~  
13 ~~issued under the Illinois Gambling Act only if the Board~~  
14 ~~determines, after notice and hearing, that:~~

15 ~~(i) a decrease is necessary to maintain a sufficient~~  
16 ~~number of betting interests per race to ensure the~~  
17 ~~integrity of racing;~~

18 ~~(ii) there are unsafe track conditions due to weather~~  
19 ~~or acts of God;~~

20 ~~(iii) there is an agreement between an organization~~  
21 ~~licensee and the breed association that is applicable to~~  
22 ~~the involved live racing guarantee, such association~~  
23 ~~representing either the largest number of thoroughbred~~  
24 ~~owners and trainers or the largest number of standardbred~~  
25 ~~owners, trainers and drivers who race horses at the~~  
26 ~~involved organization licensee's racing meeting, so long~~

1 ~~as the agreement does not compromise the integrity of the~~  
2 ~~sport of horse racing; or~~

3 ~~(iv) the horse population or purse levels are~~  
4 ~~insufficient to provide the number of racing opportunities~~  
5 ~~otherwise required in this Act.~~

6 ~~In decreasing the number of racing dates in accordance with~~  
7 ~~this subsection, the Board shall hold a hearing and shall~~  
8 ~~provide the public and all interested parties notice and an~~  
9 ~~opportunity to be heard. The Board shall accept testimony from~~  
10 ~~all interested parties, including any association representing~~  
11 ~~owners, trainers, jockeys, or drivers who will be affected by~~  
12 ~~the decrease in racing dates. The Board shall provide a written~~  
13 ~~explanation of the reasons for the decrease and the Board's~~  
14 ~~findings. The written explanation shall include a listing and~~  
15 ~~content of all communication between any party and any Illinois~~  
16 ~~Racing Board member or staff that does not take place at a~~  
17 ~~public meeting of the Board.~~

18 (e-5) In reviewing an application for the purpose of  
19 granting an organization license consistent with the best  
20 interests of the public and the sport of horse racing, the  
21 Board shall consider:

22 (1) the character, reputation, experience, and  
23 financial integrity of the applicant and of any other  
24 separate person that either:

25 (i) controls the applicant, directly or  
26 indirectly, or

1           (ii) is controlled, directly or indirectly, by  
2           that applicant or by a person who controls, directly or  
3           indirectly, that applicant;

4           (2) the applicant's facilities or proposed facilities  
5           for conducting horse racing;

6           (3) the total revenue without regard to Section 32.1 to  
7           be derived by the State and horsemen from the applicant's  
8           conducting a race meeting;

9           (4) the applicant's good faith affirmative action plan  
10          to recruit, train, and upgrade minorities in all employment  
11          classifications;

12          (5) the applicant's financial ability to purchase and  
13          maintain adequate liability and casualty insurance;

14          (6) the applicant's proposed and prior year's  
15          promotional and marketing activities and expenditures of  
16          the applicant associated with those activities;

17          (7) an agreement, if any, among organization licensees  
18          as provided in subsection (b) of Section 21 of this Act;  
19          and

20          (8) the extent to which the applicant exceeds or meets  
21          other standards for the issuance of an organization license  
22          that the Board shall adopt by rule.

23          In granting organization licenses and allocating dates for  
24          horse race meetings, the Board shall have discretion to  
25          determine an overall schedule, including required simulcasts  
26          of Illinois races by host tracks that will, in its judgment, be

1 conducive to the best interests of the public and the sport of  
2 horse racing.

3 (e-10) The Illinois Administrative Procedure Act shall  
4 apply to administrative procedures of the Board under this Act  
5 for the granting of an organization license, except that (1)  
6 notwithstanding the provisions of subsection (b) of Section  
7 10-40 of the Illinois Administrative Procedure Act regarding  
8 cross-examination, the Board may prescribe rules limiting the  
9 right of an applicant or participant in any proceeding to award  
10 an organization license to conduct cross-examination of  
11 witnesses at that proceeding where that cross-examination  
12 would unduly obstruct the timely award of an organization  
13 license under subsection (e) of Section 20 of this Act; (2) the  
14 provisions of Section 10-45 of the Illinois Administrative  
15 Procedure Act regarding proposals for decision are excluded  
16 under this Act; (3) notwithstanding the provisions of  
17 subsection (a) of Section 10-60 of the Illinois Administrative  
18 Procedure Act regarding ex parte communications, the Board may  
19 prescribe rules allowing ex parte communications with  
20 applicants or participants in a proceeding to award an  
21 organization license where conducting those communications  
22 would be in the best interest of racing, provided all those  
23 communications are made part of the record of that proceeding  
24 pursuant to subsection (c) of Section 10-60 of the Illinois  
25 Administrative Procedure Act; (4) the provisions of Section 14a  
26 of this Act and the rules of the Board promulgated under that

1 Section shall apply instead of the provisions of Article 10 of  
2 the Illinois Administrative Procedure Act regarding  
3 administrative law judges; and (5) the provisions of subsection  
4 (d) of Section 10-65 of the Illinois Administrative Procedure  
5 Act that prevent summary suspension of a license pending  
6 revocation or other action shall not apply.

7 (f) The Board may allot racing dates to an organization  
8 licensee for more than one calendar year but for no more than 3  
9 successive calendar years in advance, provided that the Board  
10 shall review such allotment for more than one calendar year  
11 prior to each year for which such allotment has been made. The  
12 granting of an organization license to a person constitutes a  
13 privilege to conduct a horse race meeting under the provisions  
14 of this Act, and no person granted an organization license  
15 shall be deemed to have a vested interest, property right, or  
16 future expectation to receive an organization license in any  
17 subsequent year as a result of the granting of an organization  
18 license. Organization licenses shall be subject to revocation  
19 if the organization licensee has violated any provision of this  
20 Act or the rules and regulations promulgated under this Act or  
21 has been convicted of a crime or has failed to disclose or has  
22 stated falsely any information called for in the application  
23 for an organization license. Any organization license  
24 revocation proceeding shall be in accordance with Section 16  
25 regarding suspension and revocation of occupation licenses.

26 (f-5) If, (i) an applicant does not file an acceptance of

1 the racing dates awarded by the Board as required under part  
2 (1) of subsection (h) of this Section 20, or (ii) an  
3 organization licensee has its license suspended or revoked  
4 under this Act, the Board, upon conducting an emergency hearing  
5 as provided for in this Act, may reaward on an emergency basis  
6 pursuant to rules established by the Board, racing dates not  
7 accepted or the racing dates associated with any suspension or  
8 revocation period to one or more organization licensees, new  
9 applicants, or any combination thereof, upon terms and  
10 conditions that the Board determines are in the best interest  
11 of racing, provided, the organization licensees or new  
12 applicants receiving the awarded racing dates file an  
13 acceptance of those reawarded racing dates as required under  
14 paragraph (1) of subsection (h) of this Section 20 and comply  
15 with the other provisions of this Act. The Illinois  
16 Administrative Procedure Act shall not apply to the  
17 administrative procedures of the Board in conducting the  
18 emergency hearing and the reallocation of racing dates on an  
19 emergency basis.

20 (g) (Blank).

21 (h) The Board shall send the applicant a copy of its  
22 formally executed order by certified mail addressed to the  
23 applicant at the address stated in his application, which  
24 notice shall be mailed within 5 days of the date the formal  
25 order is executed.

26 Each applicant notified shall, within 10 days after receipt

1 of the final executed order of the Board awarding racing dates:

2 (1) file with the Board an acceptance of such award in  
3 the form prescribed by the Board;

4 (2) pay to the Board an additional amount equal to \$110  
5 for each racing date awarded; and

6 (3) file with the Board the bonds required in Sections  
7 21 and 25 at least 20 days prior to the first day of each  
8 race meeting.

9 Upon compliance with the provisions of paragraphs (1), (2), and  
10 (3) of this subsection (h), the applicant shall be issued an  
11 organization license.

12 If any applicant fails to comply with this Section or fails  
13 to pay the organization license fees herein provided, no  
14 organization license shall be issued to such applicant.

15 (Source: P.A. 101-31, eff. 6-28-19.)

16 (230 ILCS 5/21) (from Ch. 8, par. 37-21)

17 Sec. 21. (a) Applications for organization licenses must be  
18 filed with the Board at a time and place prescribed by the  
19 rules and regulations of the Board. The Board shall examine the  
20 applications within 21 days after the date allowed for filing  
21 with respect to their conformity with this Act and such rules  
22 and regulations as may be prescribed by the Board. If any  
23 application does not comply with this Act or the rules and  
24 regulations prescribed by the Board, such application may be  
25 rejected and an organization license refused to the applicant,



1 or the Board may, within 21 days of the receipt of such  
2 application, advise the applicant of the deficiencies of the  
3 application under the Act or the rules and regulations of the  
4 Board, and require the submittal of an amended application  
5 within a reasonable time determined by the Board; and upon  
6 submittal of the amended application by the applicant, the  
7 Board may consider the application consistent with the process  
8 described in subsection (e-5) of Section 20 of this Act. If it  
9 is found to be in compliance with this Act and the rules and  
10 regulations of the Board, the Board may then issue an  
11 organization license to such applicant.

12 (b) The Board may exercise discretion in granting racing  
13 dates to qualified applicants different from those requested by  
14 the applicants in their applications. However, if all eligible  
15 applicants for organization licenses whose tracks are located  
16 within 100 miles of each other execute and submit to the Board  
17 a written agreement among such applicants as to the award of  
18 racing dates, including where applicable racing programs, for  
19 up to 3 consecutive years, then subject to annual review of  
20 each applicant's compliance with Board rules and regulations,  
21 provisions of this Act and conditions contained in annual dates  
22 orders issued by the Board, the Board may grant such dates and  
23 programs to such applicants as so agreed by them if the Board  
24 determines that the grant of these racing dates is in the best  
25 interests of racing. The Board shall treat any such agreement  
26 as the agreement signatories' joint and several application for

1 racing dates during the term of the agreement.

2 (c) Where 2 or more applicants propose to conduct horse  
3 race meetings within 35 miles of each other, as certified to  
4 the Board under Section 19 (a) (1) of this Act, on conflicting  
5 dates, the Board may determine and grant the number of racing  
6 days to be awarded to the several applicants in accordance with  
7 the provisions of subsection (e-5) of Section 20 of this Act.

8 (d) (Blank).

9 (e) Prior to the issuance of an organization license, the  
10 applicant shall file with the Board a bond payable to the State  
11 of Illinois in the sum of \$200,000, executed by the applicant  
12 and a surety company or companies authorized to do business in  
13 this State, and conditioned upon the payment by the  
14 organization licensee of all taxes due under Section 27, other  
15 monies due and payable under this Act, all purses due and  
16 payable, and that the organization licensee will upon  
17 presentation of the winning ticket or tickets distribute all  
18 sums due to the patrons of pari-mutuel pools. ~~Beginning on the~~  
19 ~~date when any organization licensee begins conducting gaming~~  
20 ~~pursuant to an organization gaming license issued under the~~  
21 ~~Illinois Gambling Act, the amount of the bond required under~~  
22 ~~this subsection (e) shall be \$500,000.~~

23 (f) Each organization license shall specify the person to  
24 whom it is issued, the dates upon which horse racing is  
25 permitted, and the location, place, track, or enclosure where  
26 the horse race meeting is to be held.

1           (g) Any person who owns one or more race tracks within the  
2 State may seek, in its own name, a separate organization  
3 license for each race track.

4           (h) All racing conducted under such organization license is  
5 subject to this Act and to the rules and regulations from time  
6 to time prescribed by the Board, and every such organization  
7 license issued by the Board shall contain a recital to that  
8 effect.

9           (i) Each such organization licensee may provide that at  
10 least one race per day may be devoted to the racing of quarter  
11 horses, appaloosas, arabians, or paints.

12           (j) In acting on applications for organization licenses,  
13 the Board shall give weight to an organization license which  
14 has implemented a good faith affirmative action effort to  
15 recruit, train and upgrade minorities in all classifications  
16 within the organization license.

17           (Source: P.A. 101-31, eff. 6-28-19.)

18           (230 ILCS 5/24) (from Ch. 8, par. 37-24)

19           Sec. 24. (a) No license shall be issued to or held by an  
20 organization licensee unless all of its officers, directors,  
21 and holders of ownership interests of at least 5% are first  
22 approved by the Board. The Board shall not give approval of an  
23 organization license application to any person who has been  
24 convicted of or is under an indictment for a crime of moral  
25 turpitude or has violated any provision of the racing law of

1 this State or any rules of the Board.

2 (b) An organization licensee must notify the Board within  
3 10 days of any change in the holders of a direct or indirect  
4 interest in the ownership of the organization licensee. The  
5 Board may, after hearing, revoke the organization license of  
6 any person who registers on its books or knowingly permits a  
7 direct or indirect interest in the ownership of that person  
8 without notifying the Board of the name of the holder in  
9 interest within this period.

10 (c) In addition to the provisions of subsection (a) of this  
11 Section, no person shall be granted an organization license if  
12 any public official of the State or member of his or her family  
13 holds any ownership or financial interest, directly or  
14 indirectly, in the person.

15 (d) No person which has been granted an organization  
16 license to hold a race meeting shall give to any public  
17 official or member of his family, directly or indirectly, for  
18 or without consideration, any interest in the person. The Board  
19 shall, after hearing, revoke the organization license granted  
20 to a person which has violated this subsection.

21 (e) (Blank).

22 (f) No organization licensee or concessionaire or officer,  
23 director or holder or controller of 5% or more legal or  
24 beneficial interest in any organization licensee or concession  
25 shall make any sort of gift or contribution ~~that is prohibited~~  
26 ~~under Article 10 of the State Officials and Employees Ethics~~

1 ~~Act of any kind~~ or pay or give any money or other thing of value  
2 to any person who is a public official, or a candidate or  
3 nominee for public office ~~if that payment or gift is prohibited~~  
4 ~~under Article 10 of the State Officials and Employees Ethics~~  
5 ~~Act.~~

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

8 Sec. 25. ~~Admission charge; bond; fine.~~

9 ~~(a)~~ There shall be paid to the Board at such time or times  
10 as it shall prescribe, the sum of fifteen cents (15¢) for each  
11 person entering the grounds or enclosure of each organization  
12 licensee and inter-track wagering licensee upon a ticket of  
13 admission except as provided in subsection (g) of Section 27 of  
14 this Act. If tickets are issued for more than one day then the  
15 sum of fifteen cents (15¢) shall be paid for each person using  
16 such ticket on each day that the same shall be used. Provided,  
17 however, that no charge shall be made on tickets of admission  
18 issued to and in the name of directors, officers, agents or  
19 employees of the organization licensee, or inter-track  
20 wagering licensee, or to owners, trainers, jockeys, drivers and  
21 their employees or to any person or persons entering the  
22 grounds or enclosure for the transaction of business in  
23 connection with such race meeting. The organization licensee or  
24 inter-track wagering licensee may, if it desires, collect such  
25 amount from each ticket holder in addition to the amount or

1 amounts charged for such ticket of admission. ~~Beginning on the~~  
2 ~~date when any organization licensee begins conducting gaming~~  
3 ~~pursuant to an organization gaming license issued under the~~  
4 ~~Illinois Gambling Act, the admission charge imposed by this~~  
5 ~~subsection (a) shall be 40 cents for each person entering the~~  
6 ~~grounds or enclosure of each organization licensee and~~  
7 ~~inter track wagering licensee upon a ticket of admission, and~~  
8 ~~if such tickets are issued for more than one day, 40 cents~~  
9 ~~shall be paid for each person using such ticket on each day~~  
10 ~~that the same shall be used.~~

11 ~~(b)~~ Accurate records and books shall at all times be kept  
12 and maintained by the organization licensees and inter-track  
13 wagering licensees showing the admission tickets issued and  
14 used on each racing day and the attendance thereat of each  
15 horse racing meeting. The Board or its duly authorized  
16 representative or representatives shall at all reasonable  
17 times have access to the admission records of any organization  
18 licensee and inter-track wagering licensee for the purpose of  
19 examining and checking the same and ascertaining whether or not  
20 the proper amount has been or is being paid the State of  
21 Illinois as herein provided. The Board shall also require,  
22 before issuing any license, that the licensee shall execute and  
23 deliver to it a bond, payable to the State of Illinois, in such  
24 sum as it shall determine, not, however, in excess of fifty  
25 thousand dollars (\$50,000), with a surety or sureties to be  
26 approved by it, conditioned for the payment of all sums due and

1 payable or collected by it under this Section upon admission  
2 fees received for any particular racing meetings. The Board may  
3 also from time to time require sworn statements of the number  
4 or numbers of such admissions and may prescribe blanks upon  
5 which such reports shall be made. Any organization licensee or  
6 inter-track wagering licensee failing or refusing to pay the  
7 amount found to be due as herein provided, shall be deemed  
8 guilty of a business offense and upon conviction shall be  
9 punished by a fine of not more than five thousand dollars  
10 (\$5,000) in addition to the amount due from such organization  
11 licensee or inter-track wagering licensee as herein provided.  
12 All fines paid into court by an organization licensee or  
13 inter-track wagering licensee found guilty of violating this  
14 Section shall be transmitted and paid over by the clerk of the  
15 court to the Board. ~~Beginning on the date when any organization~~  
16 ~~licensee begins conducting gaming pursuant to an organization~~  
17 ~~gaming license issued under the Illinois Gambling Act, any fine~~  
18 ~~imposed pursuant to this subsection (b) shall not exceed~~  
19 ~~\$10,000.~~

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

22 Sec. 26. Wagering.

23 (a) Any licensee may conduct and supervise the pari-mutuel  
24 system of wagering, as defined in Section 3.12 of this Act, on  
25 horse races conducted by an Illinois organization licensee or

1 conducted at a racetrack located in another state or country  
2 and televised in Illinois in accordance with subsection (g) of  
3 Section 26 of this Act. Subject to the prior consent of the  
4 Board, licensees may supplement any pari-mutuel pool in order  
5 to guarantee a minimum distribution. Such pari-mutuel method of  
6 wagering shall not, under any circumstances if conducted under  
7 the provisions of this Act, be held or construed to be  
8 unlawful, other statutes of this State to the contrary  
9 notwithstanding. Subject to rules for advance wagering  
10 promulgated by the Board, any licensee may accept wagers in  
11 advance of the day of the race wagered upon occurs.

12 (b) ~~No Except for those gaming activities for which a~~  
13 ~~license is obtained and authorized under the Illinois Lottery~~  
14 ~~Law, the Charitable Games Act, the Raffles and Poker Runs Act,~~  
15 ~~or the Illinois Gambling Act, no~~ other method of betting, pool  
16 making, wagering or gambling shall be used or permitted by the  
17 licensee. Each licensee may retain, subject to the payment of  
18 all applicable taxes and purses, an amount not to exceed 17% of  
19 all money wagered under subsection (a) of this Section, except  
20 as may otherwise be permitted under this Act.

21 (b-5) An individual may place a wager under the pari-mutuel  
22 system from any licensed location authorized under this Act  
23 provided that wager is electronically recorded in the manner  
24 described in Section 3.12 of this Act. Any wager made  
25 electronically by an individual while physically on the  
26 premises of a licensee shall be deemed to have been made at the



1 premises of that licensee.

2 (c) Until January 1, 2000, the sum held by any licensee for  
3 payment of outstanding pari-mutuel tickets, if unclaimed prior  
4 to December 31 of the next year, shall be retained by the  
5 licensee for payment of such tickets until that date. Within 10  
6 days thereafter, the balance of such sum remaining unclaimed,  
7 less any uncashed supplements contributed by such licensee for  
8 the purpose of guaranteeing minimum distributions of any  
9 pari-mutuel pool, shall be paid to the Illinois Veterans'  
10 Rehabilitation Fund of the State treasury, except as provided  
11 in subsection (g) of Section 27 of this Act. (Blank).

12 (c-5) ~~The Beginning January 1, 2000, the~~ sum held by any  
13 licensee for payment of outstanding pari-mutuel tickets, if  
14 unclaimed prior to December 31 of the next year, shall be  
15 retained by the licensee for payment of such tickets until that  
16 date. Within 10 days thereafter, the balance of such sum  
17 remaining unclaimed, less any uncashed supplements contributed  
18 by such licensee for the purpose of guaranteeing minimum  
19 distributions of any pari-mutuel pool, shall be evenly  
20 distributed to the purse account of the organization licensee  
21 and the organization licensee, ~~except that the balance of the~~  
22 ~~sum of all outstanding pari-mutuel tickets generated from~~  
23 ~~simulcast wagering and inter-track wagering by an organization~~  
24 ~~licensee located in a county with a population in excess of~~  
25 ~~230,000 and borders the Mississippi River or any licensee that~~  
26 ~~derives its license from that organization licensee shall be~~

1 ~~evenly distributed to the purse account of the organization~~  
2 ~~licensee and the organization licensee.~~

3 (d) A pari-mutuel ticket shall be honored until December 31  
4 of the next calendar year, and the licensee shall pay the same  
5 and may charge the amount thereof against unpaid money  
6 similarly accumulated on account of pari-mutuel tickets not  
7 presented for payment.

8 (e) No licensee shall knowingly permit any minor, other  
9 than an employee of such licensee or an owner, trainer, jockey,  
10 driver, or employee thereof, to be admitted during a racing  
11 program unless accompanied by a parent or guardian, or any  
12 minor to be a patron of the pari-mutuel system of wagering  
13 conducted or supervised by it. The admission of any  
14 unaccompanied minor, other than an employee of the licensee or  
15 an owner, trainer, jockey, driver, or employee thereof at a  
16 race track is a Class C misdemeanor.

17 (f) Notwithstanding the other provisions of this Act, an  
18 organization licensee may contract with an entity in another  
19 state or country to permit any legal wagering entity in another  
20 state or country to accept wagers solely within such other  
21 state or country on races conducted by the organization  
22 licensee in this State. Beginning January 1, 2000, these wagers  
23 shall not be subject to State taxation. Until January 1, 2000,  
24 when the out-of-State entity conducts a pari-mutuel pool  
25 separate from the organization licensee, a privilege tax equal  
26 to 7 1/2% of all monies received by the organization licensee

1 from entities in other states or countries pursuant to such  
2 contracts is imposed on the organization licensee, and such  
3 privilege tax shall be remitted to the Department of Revenue  
4 within 48 hours of receipt of the moneys from the simulcast.  
5 When the out-of-State entity conducts a combined pari-mutuel  
6 pool with the organization licensee, the tax shall be 10% of  
7 all monies received by the organization licensee with 25% of  
8 the receipts from this 10% tax to be distributed to the county  
9 in which the race was conducted.

10 An organization licensee may permit one or more of its  
11 races to be utilized for pari-mutuel wagering at one or more  
12 locations in other states and may transmit audio and visual  
13 signals of races the organization licensee conducts to one or  
14 more locations outside the State or country and may also permit  
15 pari-mutuel pools in other states or countries to be combined  
16 with its gross or net wagering pools or with wagering pools  
17 established by other states.

18 (g) A host track may accept interstate simulcast wagers on  
19 horse races conducted in other states or countries and shall  
20 control the number of signals and types of breeds of racing in  
21 its simulcast program, subject to the disapproval of the Board.  
22 The Board may prohibit a simulcast program only if it finds  
23 that the simulcast program is clearly adverse to the integrity  
24 of racing. The host track simulcast program shall include the  
25 signal of live racing of all organization licensees. All  
26 non-host licensees and advance deposit wagering licensees

1 shall carry the signal of and accept wagers on live racing of  
2 all organization licensees. Advance deposit wagering licensees  
3 shall not be permitted to accept out-of-state wagers on any  
4 Illinois signal provided pursuant to this Section without the  
5 approval and consent of the organization licensee providing the  
6 signal. For one year after August 15, 2014 (the effective date  
7 of Public Act 98-968), non-host licensees may carry the host  
8 track simulcast program and shall accept wagers on all races  
9 included as part of the simulcast program of horse races  
10 conducted at race tracks located within North America upon  
11 which wagering is permitted. For a period of one year after  
12 August 15, 2014 (the effective date of Public Act 98-968), on  
13 horse races conducted at race tracks located outside of North  
14 America, non-host licensees may accept wagers on all races  
15 included as part of the simulcast program upon which wagering  
16 is permitted. Beginning August 15, 2015 (one year after the  
17 effective date of Public Act 98-968), non-host licensees may  
18 carry the host track simulcast program and shall accept wagers  
19 on all races included as part of the simulcast program upon  
20 which wagering is permitted. All organization licensees shall  
21 provide their live signal to all advance deposit wagering  
22 licensees for a simulcast commission fee not to exceed 6% of  
23 the advance deposit wagering licensee's Illinois handle on the  
24 organization licensee's signal without prior approval by the  
25 Board. The Board may adopt rules under which it may permit  
26 simulcast commission fees in excess of 6%. The Board shall

1 adopt rules limiting the interstate commission fees charged to  
2 an advance deposit wagering licensee. The Board shall adopt  
3 rules regarding advance deposit wagering on interstate  
4 simulcast races that shall reflect, among other things, the  
5 General Assembly's desire to maximize revenues to the State,  
6 horsemen purses, and organization licensees. However,  
7 organization licensees providing live signals pursuant to the  
8 requirements of this subsection (g) may petition the Board to  
9 withhold their live signals from an advance deposit wagering  
10 licensee if the organization licensee discovers and the Board  
11 finds reputable or credible information that the advance  
12 deposit wagering licensee is under investigation by another  
13 state or federal governmental agency, the advance deposit  
14 wagering licensee's license has been suspended in another  
15 state, or the advance deposit wagering licensee's license is in  
16 revocation proceedings in another state. The organization  
17 licensee's provision of their live signal to an advance deposit  
18 wagering licensee under this subsection (g) pertains to wagers  
19 placed from within Illinois. Advance deposit wagering  
20 licensees may place advance deposit wagering terminals at  
21 wagering facilities as a convenience to customers. The advance  
22 deposit wagering licensee shall not charge or collect any fee  
23 from purses for the placement of the advance deposit wagering  
24 terminals. The costs and expenses of the host track and  
25 non-host licensees associated with interstate simulcast  
26 wagering, other than the interstate commission fee, shall be

1 borne by the host track and all non-host licensees incurring  
2 these costs. The interstate commission fee shall not exceed 5%  
3 of Illinois handle on the interstate simulcast race or races  
4 without prior approval of the Board. The Board shall promulgate  
5 rules under which it may permit interstate commission fees in  
6 excess of 5%. The interstate commission fee and other fees  
7 charged by the sending racetrack, including, but not limited  
8 to, satellite decoder fees, shall be uniformly applied to the  
9 host track and all non-host licensees.

10 Notwithstanding any other provision of this Act, through  
11 December 31, 2020, an organization licensee, with the consent  
12 of the horsemen association representing the largest number of  
13 owners, trainers, jockeys, or standardbred drivers who race  
14 horses at that organization licensee's racing meeting, may  
15 maintain a system whereby advance deposit wagering may take  
16 place or an organization licensee, with the consent of the  
17 horsemen association representing the largest number of  
18 owners, trainers, jockeys, or standardbred drivers who race  
19 horses at that organization licensee's racing meeting, may  
20 contract with another person to carry out a system of advance  
21 deposit wagering. Such consent may not be unreasonably  
22 withheld. Only with respect to an appeal to the Board that  
23 consent for an organization licensee that maintains its own  
24 advance deposit wagering system is being unreasonably  
25 withheld, the Board shall issue a final order within 30 days  
26 after initiation of the appeal, and the organization licensee's

1 advance deposit wagering system may remain operational during  
2 that 30-day period. The actions of any organization licensee  
3 who conducts advance deposit wagering or any person who has a  
4 contract with an organization licensee to conduct advance  
5 deposit wagering who conducts advance deposit wagering on or  
6 after January 1, 2013 and prior to June 7, 2013 (the effective  
7 date of Public Act 98-18) taken in reliance on the changes made  
8 to this subsection (g) by Public Act 98-18 are hereby  
9 validated, provided payment of all applicable pari-mutuel  
10 taxes are remitted to the Board. All advance deposit wagers  
11 placed from within Illinois must be placed through a  
12 Board-approved advance deposit wagering licensee; no other  
13 entity may accept an advance deposit wager from a person within  
14 Illinois. All advance deposit wagering is subject to any rules  
15 adopted by the Board. The Board may adopt rules necessary to  
16 regulate advance deposit wagering through the use of emergency  
17 rulemaking in accordance with Section 5-45 of the Illinois  
18 Administrative Procedure Act. The General Assembly finds that  
19 the adoption of rules to regulate advance deposit wagering is  
20 deemed an emergency and necessary for the public interest,  
21 safety, and welfare. An advance deposit wagering licensee may  
22 retain all moneys as agreed to by contract with an organization  
23 licensee. Any moneys retained by the organization licensee from  
24 advance deposit wagering, not including moneys retained by the  
25 advance deposit wagering licensee, shall be paid 50% to the  
26 organization licensee's purse account and 50% to the

1 organization licensee. With the exception of any organization  
2 licensee that is owned by a publicly traded company that is  
3 incorporated in a state other than Illinois and advance deposit  
4 wagering licensees under contract with such organization  
5 licensees, organization licensees that maintain advance  
6 deposit wagering systems and advance deposit wagering  
7 licensees that contract with organization licensees shall  
8 provide sufficiently detailed monthly accountings to the  
9 horsemen association representing the largest number of  
10 owners, trainers, jockeys, or standardbred drivers who race  
11 horses at that organization licensee's racing meeting so that  
12 the horsemen association, as an interested party, can confirm  
13 the accuracy of the amounts paid to the purse account at the  
14 horsemen association's affiliated organization licensee from  
15 advance deposit wagering. If more than one breed races at the  
16 same race track facility, then the 50% of the moneys to be paid  
17 to an organization licensee's purse account shall be allocated  
18 among all organization licensees' purse accounts operating at  
19 that race track facility proportionately based on the actual  
20 number of host days that the Board grants to that breed at that  
21 race track facility in the current calendar year. To the extent  
22 any fees from advance deposit wagering conducted in Illinois  
23 for wagers in Illinois or other states have been placed in  
24 escrow or otherwise withheld from wagers pending a  
25 determination of the legality of advance deposit wagering, no  
26 action shall be brought to declare such wagers or the



1 disbursement of any fees previously escrowed illegal.

2 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
3 inter-track wagering licensee other than the host track may  
4 supplement the host track simulcast program with  
5 additional simulcast races or race programs, provided that  
6 between January 1 and the third Friday in February of any  
7 year, inclusive, if no live thoroughbred racing is  
8 occurring in Illinois during this period, only  
9 thoroughbred races may be used for supplemental interstate  
10 simulcast purposes. The Board shall withhold approval for a  
11 supplemental interstate simulcast only if it finds that the  
12 simulcast is clearly adverse to the integrity of racing. A  
13 supplemental interstate simulcast may be transmitted from  
14 an inter-track wagering licensee to its affiliated  
15 non-host licensees. The interstate commission fee for a  
16 supplemental interstate simulcast shall be paid by the  
17 non-host licensee and its affiliated non-host licensees  
18 receiving the simulcast.

19 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an  
20 inter-track wagering licensee other than the host track may  
21 receive supplemental interstate simulcasts only with the  
22 consent of the host track, except when the Board finds that  
23 the simulcast is clearly adverse to the integrity of  
24 racing. Consent granted under this paragraph (2) to any  
25 inter-track wagering licensee shall be deemed consent to  
26 all non-host licensees. The interstate commission fee for

1 the supplemental interstate simulcast shall be paid by all  
2 participating non-host licensees.

3 (3) Each licensee conducting interstate simulcast  
4 wagering may retain, subject to the payment of all  
5 applicable taxes and the purses, an amount not to exceed  
6 17% of all money wagered. If any licensee conducts the  
7 pari-mutuel system wagering on races conducted at  
8 racetracks in another state or country, each such race or  
9 race program shall be considered a separate racing day for  
10 the purpose of determining the daily handle and computing  
11 the privilege tax of that daily handle as provided in  
12 subsection (a) of Section 27. Until January 1, 2000, from  
13 the sums permitted to be retained pursuant to this  
14 subsection, each inter-track wagering location licensee  
15 shall pay 1% of the pari-mutuel handle wagered on simulcast  
16 wagering to the Horse Racing Tax Allocation Fund, subject  
17 to the provisions of subparagraph (B) of paragraph (11) of  
18 subsection (h) of Section 26 of this Act.

19 (4) A licensee who receives an interstate simulcast may  
20 combine its gross or net pools with pools at the sending  
21 racetracks pursuant to rules established by the Board. All  
22 licensees combining their gross pools at a sending  
23 racetrack shall adopt the takeout percentages of the  
24 sending racetrack. A licensee may also establish a separate  
25 pool and takeout structure for wagering purposes on races  
26 conducted at race tracks outside of the State of Illinois.

1 The licensee may permit pari-mutuel wagers placed in other  
2 states or countries to be combined with its gross or net  
3 wagering pools or other wagering pools.

4 (5) After the payment of the interstate commission fee  
5 (except for the interstate commission fee on a supplemental  
6 interstate simulcast, which shall be paid by the host track  
7 and by each non-host licensee through the host track) and  
8 all applicable State and local taxes, except as provided in  
9 subsection (g) of Section 27 of this Act, the remainder of  
10 moneys retained from simulcast wagering pursuant to this  
11 subsection (g), and Section 26.2 shall be divided as  
12 follows:

13 (A) For interstate simulcast wagers made at a host  
14 track, 50% to the host track and 50% to purses at the  
15 host track.

16 (B) For wagers placed on interstate simulcast  
17 races, supplemental simulcasts as defined in  
18 subparagraphs (1) and (2), and separately pooled races  
19 conducted outside of the State of Illinois made at a  
20 non-host licensee, 25% to the host track, 25% to the  
21 non-host licensee, and 50% to the purses at the host  
22 track.

23 (6) Notwithstanding any provision in this Act to the  
24 contrary, non-host licensees who derive their licenses  
25 from a track located in a county with a population in  
26 excess of 230,000 and that borders the Mississippi River

1           may receive supplemental interstate simulcast races at all  
2           times subject to Board approval, which shall be withheld  
3           only upon a finding that a supplemental interstate  
4           simulcast is clearly adverse to the integrity of racing.

5           (7) Effective January 1, 2017, notwithstanding any  
6           provision of this Act to the contrary, after payment of all  
7           applicable State and local taxes and interstate commission  
8           fees, non-host licensees who derive their licenses from a  
9           track located in a county with a population in excess of  
10          230,000 and that borders the Mississippi River shall retain  
11          50% of the retention from interstate simulcast wagers and  
12          shall pay 50% to purses at the track from which the  
13          non-host licensee derives its license.

14          (7.1) Notwithstanding any other provision of this Act  
15          to the contrary, if no standardbred racing is conducted at  
16          a racetrack located in Madison County during any calendar  
17          year beginning on or after January 1, 2002, all moneys  
18          derived by that racetrack from simulcast wagering and  
19          inter-track wagering that (1) are to be used for purses and  
20          (2) are generated between the hours of 6:30 p.m. and 6:30  
21          a.m. during that calendar year shall be paid as follows:

22                 (A) If the licensee that conducts horse racing at  
23                 that racetrack requests from the Board at least as many  
24                 racing dates as were conducted in calendar year 2000,  
25                 80% shall be paid to its thoroughbred purse account;  
26                 and

1           (B) Twenty percent shall be deposited into the  
2 Illinois Colt Stakes Purse Distribution Fund and shall  
3 be paid to purses for standardbred races for Illinois  
4 conceived and foaled horses conducted at any county  
5 fairgrounds. The moneys deposited into the Fund  
6 pursuant to this subparagraph (B) shall be deposited  
7 within 2 weeks after the day they were generated, shall  
8 be in addition to and not in lieu of any other moneys  
9 paid to standardbred purses under this Act, and shall  
10 not be commingled with other moneys paid into that  
11 Fund. The moneys deposited pursuant to this  
12 subparagraph (B) shall be allocated as provided by the  
13 Department of Agriculture, with the advice and  
14 assistance of the Illinois Standardbred Breeders Fund  
15 Advisory Board.

16           (7.2) Notwithstanding any other provision of this Act  
17 to the contrary, if no thoroughbred racing is conducted at  
18 a racetrack located in Madison County during any calendar  
19 year beginning on or after January 1, 2002, all moneys  
20 derived by that racetrack from simulcast wagering and  
21 inter-track wagering that (1) are to be used for purses and  
22 (2) are generated between the hours of 6:30 a.m. and 6:30  
23 p.m. during that calendar year shall be deposited as  
24 follows:

25           (A) If the licensee that conducts horse racing at  
26 that racetrack requests from the Board at least as many

1 racing dates as were conducted in calendar year 2000,  
2 80% shall be deposited into its standardbred purse  
3 account; and

4 (B) Twenty percent shall be deposited into the  
5 Illinois Colt Stakes Purse Distribution Fund. Moneys  
6 deposited into the Illinois Colt Stakes Purse  
7 Distribution Fund pursuant to this subparagraph (B)  
8 shall be paid to Illinois conceived and foaled  
9 thoroughbred breeders' programs and to thoroughbred  
10 purses for races conducted at any county fairgrounds  
11 for Illinois conceived and foaled horses at the  
12 discretion of the Department of Agriculture, with the  
13 advice and assistance of the Illinois Thoroughbred  
14 Breeders Fund Advisory Board. The moneys deposited  
15 into the Illinois Colt Stakes Purse Distribution Fund  
16 pursuant to this subparagraph (B) shall be deposited  
17 within 2 weeks after the day they were generated, shall  
18 be in addition to and not in lieu of any other moneys  
19 paid to thoroughbred purses under this Act, and shall  
20 not be commingled with other moneys deposited into that  
21 Fund.

22 ~~(7.3) (Blank).~~

23 ~~(7.4) (Blank).~~

24 (8) Notwithstanding any provision in this Act to the  
25 contrary, an organization licensee from a track located in  
26 a county with a population in excess of 230,000 and that

1 borders the Mississippi River and its affiliated non-host  
2 licensees shall not be entitled to share in any retention  
3 generated on racing, inter-track wagering, or simulcast  
4 wagering at any other Illinois wagering facility.

5 (8.1) Notwithstanding any provisions in this Act to the  
6 contrary, if 2 organization licensees are conducting  
7 standardbred race meetings concurrently between the hours  
8 of 6:30 p.m. and 6:30 a.m., after payment of all applicable  
9 State and local taxes and interstate commission fees, the  
10 remainder of the amount retained from simulcast wagering  
11 otherwise attributable to the host track and to host track  
12 purses shall be split daily between the 2 organization  
13 licensees and the purses at the tracks of the 2  
14 organization licensees, respectively, based on each  
15 organization licensee's share of the total live handle for  
16 that day, provided that this provision shall not apply to  
17 any non-host licensee that derives its license from a track  
18 located in a county with a population in excess of 230,000  
19 and that borders the Mississippi River.

20 (9) (Blank).

21 (10) (Blank).

22 (11) (Blank).

23 (12) The Board shall have authority to compel all host  
24 tracks to receive the simulcast of any or all races  
25 conducted at the Springfield or DuQuoin State fairgrounds  
26 and include all such races as part of their simulcast

1 programs.

2 (13) Notwithstanding any other provision of this Act,  
3 in the event that the total Illinois pari-mutuel handle on  
4 Illinois horse races at all wagering facilities in any  
5 calendar year is less than 75% of the total Illinois  
6 pari-mutuel handle on Illinois horse races at all such  
7 wagering facilities for calendar year 1994, then each  
8 wagering facility that has an annual total Illinois  
9 pari-mutuel handle on Illinois horse races that is less  
10 than 75% of the total Illinois pari-mutuel handle on  
11 Illinois horse races at such wagering facility for calendar  
12 year 1994, shall be permitted to receive, from any amount  
13 otherwise payable to the purse account at the race track  
14 with which the wagering facility is affiliated in the  
15 succeeding calendar year, an amount equal to 2% of the  
16 differential in total Illinois pari-mutuel handle on  
17 Illinois horse races at the wagering facility between that  
18 calendar year in question and 1994 provided, however, that  
19 a wagering facility shall not be entitled to any such  
20 payment until the Board certifies in writing to the  
21 wagering facility the amount to which the wagering facility  
22 is entitled and a schedule for payment of the amount to the  
23 wagering facility, based on: (i) the racing dates awarded  
24 to the race track affiliated with the wagering facility  
25 during the succeeding year; (ii) the sums available or  
26 anticipated to be available in the purse account of the



1 race track affiliated with the wagering facility for purses  
2 during the succeeding year; and (iii) the need to ensure  
3 reasonable purse levels during the payment period. The  
4 Board's certification shall be provided no later than  
5 January 31 of the succeeding year. In the event a wagering  
6 facility entitled to a payment under this paragraph (13) is  
7 affiliated with a race track that maintains purse accounts  
8 for both standardbred and thoroughbred racing, the amount  
9 to be paid to the wagering facility shall be divided  
10 between each purse account pro rata, based on the amount of  
11 Illinois handle on Illinois standardbred and thoroughbred  
12 racing respectively at the wagering facility during the  
13 previous calendar year. Annually, the General Assembly  
14 shall appropriate sufficient funds from the General  
15 Revenue Fund to the Department of Agriculture for payment  
16 into the thoroughbred and standardbred horse racing purse  
17 accounts at Illinois pari-mutuel tracks. The amount paid to  
18 each purse account shall be the amount certified by the  
19 Illinois Racing Board in January to be transferred from  
20 each account to each eligible racing facility in accordance  
21 with the provisions of this Section. ~~Beginning in the~~  
22 ~~calendar year in which an organization licensee that is~~  
23 ~~eligible to receive payment under this paragraph (13)~~  
24 ~~begins to receive funds from gaming pursuant to an~~  
25 ~~organization gaming license issued under the Illinois~~  
26 ~~Gambling Act, the amount of the payment due to all wagering~~

~~facilities licensed under that organization licensee under this paragraph (13) shall be the amount certified by the Board in January of that year. An organization licensee and its related wagering facilities shall no longer be able to receive payments under this paragraph (13) beginning in the year subsequent to the first year in which the organization licensee begins to receive funds from gaming pursuant to an organization gaming license issued under the Illinois Gambling Act.~~

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; or (iii) ~~at a track awarded standardbred racing dates; or~~ (iv) at a track located in Madison County that conducted at least 100

1 days of live racing during the immediately preceding  
2 calendar year may be issued an inter-track wagering  
3 license, unless a lesser schedule of live racing is the  
4 result of (A) weather, unsafe track conditions, or other  
5 acts of God; (B) an agreement between the organization  
6 licensee and the associations representing the largest  
7 number of owners, trainers, jockeys, or standardbred  
8 drivers who race horses at that organization licensee's  
9 racing meeting; or (C) a finding by the Board of  
10 extraordinary circumstances and that it was in the best  
11 interest of the public and the sport to conduct fewer than  
12 100 days of live racing. Any such person having operating  
13 control of the racing facility may receive inter-track  
14 wagering location licenses. An eligible race track located  
15 in a county that has a population of more than 230,000 and  
16 that is bounded by the Mississippi River may establish up  
17 to 9 inter-track wagering locations, an eligible race track  
18 located in Stickney Township in Cook County may establish  
19 up to 16 inter-track wagering locations, and an eligible  
20 race track located in Palatine Township in Cook County may  
21 establish up to 18 inter-track wagering locations. ~~An~~  
22 ~~eligible racetrack conducting standardbred racing may have~~  
23 ~~up to 16 inter-track wagering locations.~~ An application for  
24 said license shall be filed with the Board prior to such  
25 dates as may be fixed by the Board. With an application for  
26 an inter-track wagering location license there shall be

1 delivered to the Board a certified check or bank draft  
2 payable to the order of the Board for an amount equal to  
3 \$500. The application shall be on forms prescribed and  
4 furnished by the Board. The application shall comply with  
5 all other rules, regulations and conditions imposed by the  
6 Board in connection therewith.

7 (2) The Board shall examine the applications with  
8 respect to their conformity with this Act and the rules and  
9 regulations imposed by the Board. If found to be in  
10 compliance with the Act and rules and regulations of the  
11 Board, the Board may then issue a license to conduct  
12 inter-track wagering and simulcast wagering to such  
13 applicant. All such applications shall be acted upon by the  
14 Board at a meeting to be held on such date as may be fixed  
15 by the Board.

16 (3) In granting licenses to conduct inter-track  
17 wagering and simulcast wagering, the Board shall give due  
18 consideration to the best interests of the public, of horse  
19 racing, and of maximizing revenue to the State.

20 (4) Prior to the issuance of a license to conduct  
21 inter-track wagering and simulcast wagering, the applicant  
22 shall file with the Board a bond payable to the State of  
23 Illinois in the sum of \$50,000, executed by the applicant  
24 and a surety company or companies authorized to do business  
25 in this State, and conditioned upon (i) the payment by the  
26 licensee of all taxes due under Section 27 or 27.1 and any

1 other monies due and payable under this Act, and (ii)  
2 distribution by the licensee, upon presentation of the  
3 winning ticket or tickets, of all sums payable to the  
4 patrons of pari-mutuel pools.

5 (5) Each license to conduct inter-track wagering and  
6 simulcast wagering shall specify the person to whom it is  
7 issued, the dates on which such wagering is permitted, and  
8 the track or location where the wagering is to be  
9 conducted.

10 (6) All wagering under such license is subject to this  
11 Act and to the rules and regulations from time to time  
12 prescribed by the Board, and every such license issued by  
13 the Board shall contain a recital to that effect.

14 (7) An inter-track wagering licensee or inter-track  
15 wagering location licensee may accept wagers at the track  
16 or location where it is licensed, or as otherwise provided  
17 under this Act.

18 (8) Inter-track wagering or simulcast wagering shall  
19 not be conducted at any track less than 5 ~~4~~ miles from a  
20 track at which a racing meeting is in progress.

21 (8.1) Inter-track wagering location licensees who  
22 derive their licenses from a particular organization  
23 licensee shall conduct inter-track wagering and simulcast  
24 wagering only at locations that are within 160 miles of  
25 that race track where the particular organization licensee  
26 is licensed to conduct racing. However, inter-track

1 waging and simulcast waging shall not be conducted by  
2 those licensees at any location within 5 miles of any race  
3 track at which a horse race meeting has been licensed in  
4 the current year, unless the person having operating  
5 control of such race track has given its written consent to  
6 such inter-track waging location licensees, which  
7 consent must be filed with the Board at or prior to the  
8 time application is made. In the case of any inter-track  
9 waging location licensee initially licensed after  
10 December 31, 2013, inter-track waging and simulcast  
11 waging shall not be conducted by those inter-track  
12 waging location licensees that are located outside the  
13 City of Chicago at any location within 8 miles of any race  
14 track at which a horse race meeting has been licensed in  
15 the current year, unless the person having operating  
16 control of such race track has given its written consent to  
17 such inter-track waging location licensees, which  
18 consent must be filed with the Board at or prior to the  
19 time application is made.

20 (8.2) Inter-track waging or simulcast waging shall  
21 not be conducted by an inter-track waging location  
22 licensee at any location within 500 feet of an existing  
23 church, ~~an or existing elementary or secondary public~~  
24 ~~school, or an existing elementary or secondary private~~  
25 ~~school registered with or recognized by the State Board of~~  
26 ~~Education~~ school, nor within 500 feet of the residences of

1 more than 50 registered voters without receiving written  
2 permission from a majority of the registered voters at such  
3 residences. Such written permission statements shall be  
4 filed with the Board. The distance of 500 feet shall be  
5 measured to the nearest part of any building used for  
6 worship services, education programs, residential  
7 purposes, or conducting inter-track wagering by an  
8 inter-track wagering location licensee, and not to  
9 property boundaries. However, inter-track wagering or  
10 simulcast wagering may be conducted at a site within 500  
11 feet of a church, school or residences of 50 or more  
12 registered voters if such church, school or residences have  
13 been erected or established, or such voters have been  
14 registered, after the Board issues the original  
15 inter-track wagering location license at the site in  
16 question. Inter-track wagering location licensees may  
17 conduct inter-track wagering and simulcast wagering only  
18 in areas that are zoned for commercial or manufacturing  
19 purposes or in areas for which a special use has been  
20 approved by the local zoning authority. However, no license  
21 to conduct inter-track wagering and simulcast wagering  
22 shall be granted by the Board with respect to any  
23 inter-track wagering location within the jurisdiction of  
24 any local zoning authority which has, by ordinance or by  
25 resolution, prohibited the establishment of an inter-track  
26 wagering location within its jurisdiction. However,

1 inter-track wagering and simulcast wagering may be  
2 conducted at a site if such ordinance or resolution is  
3 enacted after the Board licenses the original inter-track  
4 wagering location licensee for the site in question.

5 (9) (Blank).

6 (10) An inter-track wagering licensee or an  
7 inter-track wagering location licensee may retain, subject  
8 to the payment of the privilege taxes and the purses, an  
9 amount not to exceed 17% of all money wagered. Each program  
10 of racing conducted by each inter-track wagering licensee  
11 or inter-track wagering location licensee shall be  
12 considered a separate racing day for the purpose of  
13 determining the daily handle and computing the privilege  
14 tax or pari-mutuel tax on such daily handle as provided in  
15 Section 27.

16 (10.1) Except as provided in subsection (g) of Section  
17 27 of this Act, inter-track wagering location licensees  
18 shall pay 1% of the pari-mutuel handle at each location to  
19 the municipality in which such location is situated and 1%  
20 of the pari-mutuel handle at each location to the county in  
21 which such location is situated. In the event that an  
22 inter-track wagering location licensee is situated in an  
23 unincorporated area of a county, such licensee shall pay 2%  
24 of the pari-mutuel handle from such location to such  
25 county. Inter-track wagering location licensees must pay  
26 the handle percentage required under this paragraph to the



1 municipality and county no later than the 20th of the month  
2 following the month such handle was generated.

3 (10.2) Notwithstanding any other provision of this  
4 Act, with respect to inter-track wagering at a race track  
5 located in a county that has a population of more than  
6 230,000 and that is bounded by the Mississippi River ("the  
7 first race track"), or at a facility operated by an  
8 inter-track wagering licensee or inter-track wagering  
9 location licensee that derives its license from the  
10 organization licensee that operates the first race track,  
11 on races conducted at the first race track or on races  
12 conducted at another Illinois race track and  
13 simultaneously televised to the first race track or to a  
14 facility operated by an inter-track wagering licensee or  
15 inter-track wagering location licensee that derives its  
16 license from the organization licensee that operates the  
17 first race track, those moneys shall be allocated as  
18 follows:

19 (A) That portion of all moneys wagered on  
20 standardbred racing that is required under this Act to  
21 be paid to purses shall be paid to purses for  
22 standardbred races.

23 (B) That portion of all moneys wagered on  
24 thoroughbred racing that is required under this Act to  
25 be paid to purses shall be paid to purses for  
26 thoroughbred races.

1           (11) (A) After payment of the privilege or pari-mutuel  
2 tax, any other applicable taxes, and the costs and expenses  
3 in connection with the gathering, transmission, and  
4 dissemination of all data necessary to the conduct of  
5 inter-track wagering, the remainder of the monies retained  
6 under either Section 26 or Section 26.2 of this Act by the  
7 inter-track wagering licensee on inter-track wagering  
8 shall be allocated with 50% to be split between the 2  
9 participating licensees and 50% to purses, except that an  
10 inter-track wagering licensee that derives its license  
11 from a track located in a county with a population in  
12 excess of 230,000 and that borders the Mississippi River  
13 shall not divide any remaining retention with the Illinois  
14 organization licensee that provides the race or races, and  
15 an inter-track wagering licensee that accepts wagers on  
16 races conducted by an organization licensee that conducts a  
17 race meet in a county with a population in excess of  
18 230,000 and that borders the Mississippi River shall not  
19 divide any remaining retention with that organization  
20 licensee.

21           (B) From the sums permitted to be retained pursuant to  
22 this Act each inter-track wagering location licensee shall  
23 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
24 4.75% of the pari-mutuel handle on inter-track wagering at  
25 such location on races as purses, except that an  
26 inter-track wagering location licensee that derives its

1 license from a track located in a county with a population  
2 in excess of 230,000 and that borders the Mississippi River  
3 shall retain all purse moneys for its own purse account  
4 consistent with distribution set forth in this subsection  
5 (h), and inter-track wagering location licensees that  
6 accept wagers on races conducted by an organization  
7 licensee located in a county with a population in excess of  
8 230,000 and that borders the Mississippi River shall  
9 distribute all purse moneys to purses at the operating host  
10 track; (iii) until January 1, 2000, except as provided in  
11 subsection (g) of Section 27 of this Act, 1% of the  
12 pari-mutuel handle wagered on inter-track wagering and  
13 simulcast wagering at each inter-track wagering location  
14 licensee facility to the Horse Racing Tax Allocation Fund,  
15 provided that, to the extent the total amount collected and  
16 distributed to the Horse Racing Tax Allocation Fund under  
17 this subsection (h) during any calendar year exceeds the  
18 amount collected and distributed to the Horse Racing Tax  
19 Allocation Fund during calendar year 1994, that excess  
20 amount shall be redistributed (I) to all inter-track  
21 wagering location licensees, based on each licensee's pro  
22 rata share of the total handle from inter-track wagering  
23 and simulcast wagering for all inter-track wagering  
24 location licensees during the calendar year in which this  
25 provision is applicable; then (II) the amounts  
26 redistributed to each inter-track wagering location

1 licensee as described in subpart (I) shall be further  
2 redistributed as provided in subparagraph (B) of paragraph  
3 (5) of subsection (g) of this Section 26 provided first,  
4 that the shares of those amounts, which are to be  
5 redistributed to the host track or to purses at the host  
6 track under subparagraph (B) of paragraph (5) of subsection  
7 (g) of this Section 26 shall be redistributed based on each  
8 host track's pro rata share of the total inter-track  
9 wagering and simulcast wagering handle at all host tracks  
10 during the calendar year in question, and second, that any  
11 amounts redistributed as described in part (I) to an  
12 inter-track wagering location licensee that accepts wagers  
13 on races conducted by an organization licensee that  
14 conducts a race meet in a county with a population in  
15 excess of 230,000 and that borders the Mississippi River  
16 shall be further redistributed, effective January 1, 2017,  
17 as provided in paragraph (7) of subsection (g) of this  
18 Section 26, with the portion of that further redistribution  
19 allocated to purses at that organization licensee to be  
20 divided between standardbred purses and thoroughbred  
21 purses based on the amounts otherwise allocated to purses  
22 at that organization licensee during the calendar year in  
23 question; and (iv) 8% of the pari-mutuel handle on  
24 inter-track wagering wagered at such location to satisfy  
25 all costs and expenses of conducting its wagering. The  
26 remainder of the monies retained by the inter-track

1 wagering location licensee shall be allocated 40% to the  
2 location licensee and 60% to the organization licensee  
3 which provides the Illinois races to the location, except  
4 that an inter-track wagering location licensee that  
5 derives its license from a track located in a county with a  
6 population in excess of 230,000 and that borders the  
7 Mississippi River shall not divide any remaining retention  
8 with the organization licensee that provides the race or  
9 races and an inter-track wagering location licensee that  
10 accepts wagers on races conducted by an organization  
11 licensee that conducts a race meet in a county with a  
12 population in excess of 230,000 and that borders the  
13 Mississippi River shall not divide any remaining retention  
14 with the organization licensee. Notwithstanding the  
15 provisions of clauses (ii) and (iv) of this paragraph, in  
16 the case of the additional inter-track wagering location  
17 licenses authorized under paragraph (1) of this subsection  
18 (h) by Public Act 87-110, those licensees shall pay the  
19 following amounts as purses: during the first 12 months the  
20 licensee is in operation, 5.25% of the pari-mutuel handle  
21 wagered at the location on races; during the second 12  
22 months, 5.25%; during the third 12 months, 5.75%; during  
23 the fourth 12 months, 6.25%; and during the fifth 12 months  
24 and thereafter, 6.75%. The following amounts shall be  
25 retained by the licensee to satisfy all costs and expenses  
26 of conducting its wagering: during the first 12 months the

1 licensee is in operation, 8.25% of the pari-mutuel handle  
2 wagered at the location; during the second 12 months,  
3 8.25%; during the third 12 months, 7.75%; during the fourth  
4 12 months, 7.25%; and during the fifth 12 months and  
5 thereafter, 6.75%. For additional inter-track wagering  
6 location licensees authorized under Public Act 89-16,  
7 purses for the first 12 months the licensee is in operation  
8 shall be 5.75% of the pari-mutuel wagered at the location,  
9 purses for the second 12 months the licensee is in  
10 operation shall be 6.25%, and purses thereafter shall be  
11 6.75%. For additional inter-track location licensees  
12 authorized under Public Act 89-16, the licensee shall be  
13 allowed to retain to satisfy all costs and expenses: 7.75%  
14 of the pari-mutuel handle wagered at the location during  
15 its first 12 months of operation, 7.25% during its second  
16 12 months of operation, and 6.75% thereafter.

17 (C) There is hereby created the Horse Racing Tax  
18 Allocation Fund which shall remain in existence until  
19 December 31, 1999. Moneys remaining in the Fund after  
20 December 31, 1999 shall be paid into the General Revenue  
21 Fund. Until January 1, 2000, all monies paid into the Horse  
22 Racing Tax Allocation Fund pursuant to this paragraph (11)  
23 by inter-track wagering location licensees located in park  
24 districts of 500,000 population or less, or in a  
25 municipality that is not included within any park district  
26 but is included within a conservation district and is the

1 county seat of a county that (i) is contiguous to the state  
2 of Indiana and (ii) has a 1990 population of 88,257  
3 according to the United States Bureau of the Census, and  
4 operating on May 1, 1994 shall be allocated by  
5 appropriation as follows:

6 Two-sevenths to the Department of Agriculture.  
7 Fifty percent of this two-sevenths shall be used to  
8 promote the Illinois horse racing and breeding  
9 industry, and shall be distributed by the Department of  
10 Agriculture upon the advice of a 9-member committee  
11 appointed by the Governor consisting of the following  
12 members: the Director of Agriculture, who shall serve  
13 as chairman; 2 representatives of organization  
14 licensees conducting thoroughbred race meetings in  
15 this State, recommended by those licensees; 2  
16 representatives of organization licensees conducting  
17 standardbred race meetings in this State, recommended  
18 by those licensees; a representative of the Illinois  
19 Thoroughbred Breeders and Owners Foundation,  
20 recommended by that Foundation; a representative of  
21 the Illinois Standardbred Owners and Breeders  
22 Association, recommended by that Association; a  
23 representative of the Horsemen's Benevolent and  
24 Protective Association or any successor organization  
25 thereto established in Illinois comprised of the  
26 largest number of owners and trainers, recommended by

1 that Association or that successor organization; and a  
2 representative of the Illinois Harness Horsemen's  
3 Association, recommended by that Association.  
4 Committee members shall serve for terms of 2 years,  
5 commencing January 1 of each even-numbered year. If a  
6 representative of any of the above-named entities has  
7 not been recommended by January 1 of any even-numbered  
8 year, the Governor shall appoint a committee member to  
9 fill that position. Committee members shall receive no  
10 compensation for their services as members but shall be  
11 reimbursed for all actual and necessary expenses and  
12 disbursements incurred in the performance of their  
13 official duties. The remaining 50% of this  
14 two-sevenths shall be distributed to county fairs for  
15 premiums and rehabilitation as set forth in the  
16 Agricultural Fair Act;

17 Four-sevenths to park districts or municipalities  
18 that do not have a park district of 500,000 population  
19 or less for museum purposes (if an inter-track wagering  
20 location licensee is located in such a park district)  
21 or to conservation districts for museum purposes (if an  
22 inter-track wagering location licensee is located in a  
23 municipality that is not included within any park  
24 district but is included within a conservation  
25 district and is the county seat of a county that (i) is  
26 contiguous to the state of Indiana and (ii) has a 1990



1 population of 88,257 according to the United States  
2 Bureau of the Census, except that if the conservation  
3 district does not maintain a museum, the monies shall  
4 be allocated equally between the county and the  
5 municipality in which the inter-track wagering  
6 location licensee is located for general purposes) or  
7 to a municipal recreation board for park purposes (if  
8 an inter-track wagering location licensee is located  
9 in a municipality that is not included within any park  
10 district and park maintenance is the function of the  
11 municipal recreation board and the municipality has a  
12 1990 population of 9,302 according to the United States  
13 Bureau of the Census); provided that the monies are  
14 distributed to each park district or conservation  
15 district or municipality that does not have a park  
16 district in an amount equal to four-sevenths of the  
17 amount collected by each inter-track wagering location  
18 licensee within the park district or conservation  
19 district or municipality for the Fund. Monies that were  
20 paid into the Horse Racing Tax Allocation Fund before  
21 August 9, 1991 (the effective date of Public Act  
22 87-110) by an inter-track wagering location licensee  
23 located in a municipality that is not included within  
24 any park district but is included within a conservation  
25 district as provided in this paragraph shall, as soon  
26 as practicable after August 9, 1991 (the effective date

1 of Public Act 87-110), be allocated and paid to that  
2 conservation district as provided in this paragraph.  
3 Any park district or municipality not maintaining a  
4 museum may deposit the monies in the corporate fund of  
5 the park district or municipality where the  
6 inter-track wagering location is located, to be used  
7 for general purposes; and

8 One-seventh to the Agricultural Premium Fund to be  
9 used for distribution to agricultural home economics  
10 extension councils in accordance with "An Act in  
11 relation to additional support and finances for the  
12 Agricultural and Home Economic Extension Councils in  
13 the several counties of this State and making an  
14 appropriation therefor", approved July 24, 1967.

15 Until January 1, 2000, all other monies paid into the  
16 Horse Racing Tax Allocation Fund pursuant to this paragraph  
17 (11) shall be allocated by appropriation as follows:

18 Two-sevenths to the Department of Agriculture.  
19 Fifty percent of this two-sevenths shall be used to  
20 promote the Illinois horse racing and breeding  
21 industry, and shall be distributed by the Department of  
22 Agriculture upon the advice of a 9-member committee  
23 appointed by the Governor consisting of the following  
24 members: the Director of Agriculture, who shall serve  
25 as chairman; 2 representatives of organization  
26 licensees conducting thoroughbred race meetings in

1           this State, recommended by those licensees; 2  
2           representatives of organization licensees conducting  
3           standardbred race meetings in this State, recommended  
4           by those licensees; a representative of the Illinois  
5           Thoroughbred Breeders and Owners Foundation,  
6           recommended by that Foundation; a representative of  
7           the Illinois Standardbred Owners and Breeders  
8           Association, recommended by that Association; a  
9           representative of the Horsemen's Benevolent and  
10          Protective Association or any successor organization  
11          thereto established in Illinois comprised of the  
12          largest number of owners and trainers, recommended by  
13          that Association or that successor organization; and a  
14          representative of the Illinois Harness Horsemen's  
15          Association, recommended by that Association.  
16          Committee members shall serve for terms of 2 years,  
17          commencing January 1 of each even-numbered year. If a  
18          representative of any of the above-named entities has  
19          not been recommended by January 1 of any even-numbered  
20          year, the Governor shall appoint a committee member to  
21          fill that position. Committee members shall receive no  
22          compensation for their services as members but shall be  
23          reimbursed for all actual and necessary expenses and  
24          disbursements incurred in the performance of their  
25          official duties. The remaining 50% of this  
26          two-sevenths shall be distributed to county fairs for

1 premiums and rehabilitation as set forth in the  
2 Agricultural Fair Act;

3 Four-sevenths to museums and aquariums located in  
4 park districts of over 500,000 population; provided  
5 that the monies are distributed in accordance with the  
6 previous year's distribution of the maintenance tax  
7 for such museums and aquariums as provided in Section 2  
8 of the Park District Aquarium and Museum Act; and

9 One-seventh to the Agricultural Premium Fund to be  
10 used for distribution to agricultural home economics  
11 extension councils in accordance with "An Act in  
12 relation to additional support and finances for the  
13 Agricultural and Home Economic Extension Councils in  
14 the several counties of this State and making an  
15 appropriation therefor", approved July 24, 1967. This  
16 subparagraph (C) shall be inoperative and of no force  
17 and effect on and after January 1, 2000.

18 (D) Except as provided in paragraph (11) of this  
19 subsection (h), with respect to purse allocation from  
20 inter-track wagering, the monies so retained shall be  
21 divided as follows:

22 (i) If the inter-track wagering licensee,  
23 except an inter-track wagering licensee that  
24 derives its license from an organization licensee  
25 located in a county with a population in excess of  
26 230,000 and bounded by the Mississippi River, is

1 not conducting its own race meeting during the same  
2 dates, then the entire purse allocation shall be to  
3 purses at the track where the races wagered on are  
4 being conducted.

5 (ii) If the inter-track wagering licensee,  
6 except an inter-track wagering licensee that  
7 derives its license from an organization licensee  
8 located in a county with a population in excess of  
9 230,000 and bounded by the Mississippi River, is  
10 also conducting its own race meeting during the  
11 same dates, then the purse allocation shall be as  
12 follows: 50% to purses at the track where the races  
13 wagered on are being conducted; 50% to purses at  
14 the track where the inter-track wagering licensee  
15 is accepting such wagers.

16 (iii) If the inter-track wagering is being  
17 conducted by an inter-track wagering location  
18 licensee, except an inter-track wagering location  
19 licensee that derives its license from an  
20 organization licensee located in a county with a  
21 population in excess of 230,000 and bounded by the  
22 Mississippi River, the entire purse allocation for  
23 Illinois races shall be to purses at the track  
24 where the race meeting being wagered on is being  
25 held.

26 (12) The Board shall have all powers necessary and

1 proper to fully supervise and control the conduct of  
2 inter-track wagering and simulcast wagering by inter-track  
3 wagering licensees and inter-track wagering location  
4 licensees, including, but not limited to, the following:

5 (A) The Board is vested with power to promulgate  
6 reasonable rules and regulations for the purpose of  
7 administering the conduct of this wagering and to  
8 prescribe reasonable rules, regulations and conditions  
9 under which such wagering shall be held and conducted.  
10 Such rules and regulations are to provide for the  
11 prevention of practices detrimental to the public  
12 interest and for the best interests of said wagering  
13 and to impose penalties for violations thereof.

14 (B) The Board, and any person or persons to whom it  
15 delegates this power, is vested with the power to enter  
16 the facilities of any licensee to determine whether  
17 there has been compliance with the provisions of this  
18 Act and the rules and regulations relating to the  
19 conduct of such wagering.

20 (C) The Board, and any person or persons to whom it  
21 delegates this power, may eject or exclude from any  
22 licensee's facilities, any person whose conduct or  
23 reputation is such that his presence on such premises  
24 may, in the opinion of the Board, call into the  
25 question the honesty and integrity of, or interfere  
26 with the orderly conduct of such wagering; provided,

1           however, that no person shall be excluded or ejected  
2           from such premises solely on the grounds of race,  
3           color, creed, national origin, ancestry, or sex.

4           (D) (Blank).

5           (E) The Board is vested with the power to appoint  
6           delegates to execute any of the powers granted to it  
7           under this Section for the purpose of administering  
8           this wagering and any rules and regulations  
9           promulgated in accordance with this Act.

10          (F) The Board shall name and appoint a State  
11          director of this wagering who shall be a representative  
12          of the Board and whose duty it shall be to supervise  
13          the conduct of inter-track wagering as may be provided  
14          for by the rules and regulations of the Board; such  
15          rules and regulation shall specify the method of  
16          appointment and the Director's powers, authority and  
17          duties.

18          (G) The Board is vested with the power to impose  
19          civil penalties of up to \$5,000 against individuals and  
20          up to \$10,000 against licensees for each violation of  
21          any provision of this Act relating to the conduct of  
22          this wagering, any rules adopted by the Board, any  
23          order of the Board or any other action which in the  
24          Board's discretion, is a detriment or impediment to  
25          such wagering.

26          (13) The Department of Agriculture may enter into

1 agreements with licensees authorizing such licensees to  
2 conduct inter-track wagering on races to be held at the  
3 licensed race meetings conducted by the Department of  
4 Agriculture. Such agreement shall specify the races of the  
5 Department of Agriculture's licensed race meeting upon  
6 which the licensees will conduct wagering. In the event  
7 that a licensee conducts inter-track pari-mutuel wagering  
8 on races from the Illinois State Fair or DuQuoin State Fair  
9 which are in addition to the licensee's previously approved  
10 racing program, those races shall be considered a separate  
11 racing day for the purpose of determining the daily handle  
12 and computing the privilege or pari-mutuel tax on that  
13 daily handle as provided in Sections 27 and 27.1. Such  
14 agreements shall be approved by the Board before such  
15 wagering may be conducted. In determining whether to grant  
16 approval, the Board shall give due consideration to the  
17 best interests of the public and of horse racing. The  
18 provisions of paragraphs (1), (8), (8.1), and (8.2) of  
19 subsection (h) of this Section which are not specified in  
20 this paragraph (13) shall not apply to licensed race  
21 meetings conducted by the Department of Agriculture at the  
22 Illinois State Fair in Sangamon County or the DuQuoin State  
23 Fair in Perry County, or to any wagering conducted on those  
24 race meetings.

25 (14) An inter-track wagering location license  
26 authorized by the Board in 2016 that is owned and operated



1 by a race track in Rock Island County shall be transferred  
2 to a commonly owned race track in Cook County on August 12,  
3 2016 (the effective date of Public Act 99-757). The  
4 licensee shall retain its status in relation to purse  
5 distribution under paragraph (11) of this subsection (h)  
6 following the transfer to the new entity. The pari-mutuel  
7 tax credit under Section 32.1 shall not be applied toward  
8 any pari-mutuel tax obligation of the inter-track wagering  
9 location licensee of the license that is transferred under  
10 this paragraph (14).

11 (i) Notwithstanding the other provisions of this Act, the  
12 conduct of wagering at wagering facilities is authorized on all  
13 days, except as limited by subsection (b) of Section 19 of this  
14 Act.

15 (Source: P.A. 100-201, eff. 8-18-17; 100-627, eff. 7-20-18;  
16 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19; 101-52, eff.  
17 7-12-19; 101-81, eff. 7-12-19; 101-109, eff. 7-19-19; revised  
18 9-27-19.)

19 (230 ILCS 5/26.8)

20 Sec. 26.8. Beginning on February 1, 2014 and through  
21 December 31, 2020, each wagering licensee may impose a  
22 surcharge of up to 0.5% on winning wagers and winnings from  
23 wagers. The surcharge shall be deducted from winnings prior to  
24 payout. All amounts collected from the imposition of this  
25 surcharge shall be evenly distributed to the organization

1 licensee and the purse account of the organization licensee  
2 with which the licensee is affiliated. The amounts distributed  
3 under this Section shall be in addition to the amounts paid  
4 pursuant to paragraph (10) of subsection (h) of Section 26,  
5 Section 26.3, Section 26.4, Section 26.5, and Section 26.7.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 5/26.9)

8 Sec. 26.9. Beginning on February 1, 2014 and through  
9 December 31, 2020, in addition to the surcharge imposed in  
10 Sections 26.3, 26.4, 26.5, 26.7, and 26.8 of this Act, each  
11 licensee shall impose a surcharge of 0.2% on winning wagers and  
12 winnings from wagers. The surcharge shall be deducted from  
13 winnings prior to payout. All amounts collected from the  
14 surcharges imposed under this Section shall be remitted to the  
15 Board. From amounts collected under this Section, the Board  
16 shall deposit an amount not to exceed \$100,000 annually into  
17 the Quarter Horse Purse Fund and all remaining amounts into the  
18 Horse Racing Fund.

19 (Source: P.A. 101-31, eff. 6-28-19.)

20 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

21 Sec. 27. (a) In addition to the organization license fee  
22 provided by this Act, until January 1, 2000, a graduated  
23 privilege tax is hereby imposed for conducting the pari-mutuel  
24 system of wagering permitted under this Act. Until January 1,

1 2000, except as provided in subsection (g) of Section 27 of  
2 this Act, all of the breakage of each racing day held by any  
3 licensee in the State shall be paid to the State. Until January  
4 1, 2000, such daily graduated privilege tax shall be paid by  
5 the licensee from the amount permitted to be retained under  
6 this Act. Until January 1, 2000, each day's graduated privilege  
7 tax, breakage, and Horse Racing Tax Allocation funds shall be  
8 remitted to the Department of Revenue within 48 hours after the  
9 close of the racing day upon which it is assessed or within  
10 such other time as the Board prescribes. The privilege tax  
11 hereby imposed, until January 1, 2000, shall be a flat tax at  
12 the rate of 2% of the daily pari-mutuel handle except as  
13 provided in Section 27.1.

14 In addition, every organization licensee, except as  
15 provided in Section 27.1 of this Act, which conducts multiple  
16 wagering shall pay, until January 1, 2000, as a privilege tax  
17 on multiple wagers an amount equal to 1.25% of all moneys  
18 wagered each day on such multiple wagers, plus an additional  
19 amount equal to 3.5% of the amount wagered each day on any  
20 other multiple wager which involves a single betting interest  
21 on 3 or more horses. The licensee shall remit the amount of  
22 such taxes to the Department of Revenue within 48 hours after  
23 the close of the racing day on which it is assessed or within  
24 such other time as the Board prescribes.

25 This subsection (a) shall be inoperative and of no force  
26 and effect on and after January 1, 2000.

1 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax  
2 at the rate of 1.5% of the daily pari-mutuel handle is imposed  
3 at all pari-mutuel wagering facilities and on advance deposit  
4 wagering from a location other than a wagering facility, except  
5 as otherwise provided for in this subsection (a-5). In addition  
6 to the pari-mutuel tax imposed on advance deposit wagering  
7 pursuant to this subsection (a-5), beginning on August 24, 2012  
8 (the effective date of Public Act 97-1060) and through December  
9 31, 2020, an additional pari-mutuel tax at the rate of 0.25%  
10 shall be imposed on advance deposit wagering. Until August 25,  
11 2012, the additional 0.25% pari-mutuel tax imposed on advance  
12 deposit wagering by Public Act 96-972 shall be deposited into  
13 the Quarter Horse Purse Fund, which shall be created as a  
14 non-appropriated trust fund administered by the Board for  
15 grants to thoroughbred organization licensees for payment of  
16 purses for quarter horse races conducted by the organization  
17 licensee. Beginning on August 26, 2012, the additional 0.25%  
18 pari-mutuel tax imposed on advance deposit wagering shall be  
19 deposited into the Standardbred Purse Fund, which shall be  
20 created as a non-appropriated trust fund administered by the  
21 Board, for grants to the standardbred organization licensees  
22 for payment of purses for standardbred horse races conducted by  
23 the organization licensee. Thoroughbred organization licensees  
24 may petition the Board to conduct quarter horse racing and  
25 receive purse grants from the Quarter Horse Purse Fund. The  
26 Board shall have complete discretion in distributing the

1 Quarter Horse Purse Fund to the petitioning organization  
2 licensees. Beginning on July 26, 2010 (the effective date of  
3 Public Act 96-1287), a pari-mutuel tax at the rate of 0.75% of  
4 the daily pari-mutuel handle is imposed at a pari-mutuel  
5 facility whose license is derived from a track located in a  
6 county that borders the Mississippi River and conducted live  
7 racing in the previous year. The pari-mutuel tax imposed by  
8 this subsection (a-5) shall be remitted to the Department of  
9 Revenue within 48 hours after the close of the racing day upon  
10 which it is assessed or within such other time as the Board  
11 prescribes.

12 ~~(a-10) Beginning on the date when an organization licensee~~  
13 ~~begins conducting gaming pursuant to an organization gaming~~  
14 ~~license, the following pari-mutuel tax is imposed upon an~~  
15 ~~organization licensee on Illinois races at the licensee's~~  
16 ~~racetrack:~~

17 ~~1.5% of the pari-mutuel handle at or below the average~~  
18 ~~daily pari-mutuel handle for 2011.~~

19 ~~2% of the pari-mutuel handle above the average daily~~  
20 ~~pari-mutuel handle for 2011 up to 125% of the average daily~~  
21 ~~pari-mutuel handle for 2011.~~

22 ~~2.5% of the pari-mutuel handle 125% or more above the~~  
23 ~~average daily pari-mutuel handle for 2011 up to 150% of the~~  
24 ~~average daily pari-mutuel handle for 2011.~~

25 ~~3% of the pari-mutuel handle 150% or more above the~~  
26 ~~average daily pari-mutuel handle for 2011 up to 175% of the~~

1 ~~average daily pari-mutuel handle for 2011.~~

2 ~~3.5% of the pari-mutuel handle 175% or more above the~~  
3 ~~average daily pari-mutuel handle for 2011.~~

4 ~~The pari-mutuel tax imposed by this subsection (a-10) shall~~  
5 ~~be remitted to the Board within 48 hours after the close of the~~  
6 ~~racing day upon which it is assessed or within such other time~~  
7 ~~as the Board prescribes.~~

8 (b) On or before December 31, 1999, in the event that any  
9 organization licensee conducts 2 separate programs of races on  
10 any day, each such program shall be considered a separate  
11 racing day for purposes of determining the daily handle and  
12 computing the privilege tax on such daily handle as provided in  
13 subsection (a) of this Section.

14 (c) Licensees shall at all times keep accurate books and  
15 records of all monies wagered on each day of a race meeting and  
16 of the taxes paid to the Department of Revenue under the  
17 provisions of this Section. The Board or its duly authorized  
18 representative or representatives shall at all reasonable  
19 times have access to such records for the purpose of examining  
20 and checking the same and ascertaining whether the proper  
21 amount of taxes is being paid as provided. The Board shall  
22 require verified reports and a statement of the total of all  
23 monies wagered daily at each wagering facility upon which the  
24 taxes are assessed and may prescribe forms upon which such  
25 reports and statement shall be made.

26 (d) Any licensee failing or refusing to pay the amount of

1 any tax due under this Section shall be guilty of a business  
2 offense and upon conviction shall be fined not more than \$5,000  
3 in addition to the amount found due as tax under this Section.  
4 Each day's violation shall constitute a separate offense. All  
5 finances paid into Court by a licensee hereunder shall be  
6 transmitted and paid over by the Clerk of the Court to the  
7 Board. ~~Before a license is issued or re issued, the licensee~~  
8 ~~shall post a bond in the sum of \$500,000 to the State of~~  
9 ~~Illinois. The bond shall be used to guarantee that the licensee~~  
10 ~~faithfully makes the payments, keeps the books and records and~~  
11 ~~makes reports, and conducts games of chance in conformity with~~  
12 ~~this Act and the rules adopted by the Board. The bond shall not~~  
13 ~~be canceled by a surety on less than 30 days' notice in writing~~  
14 ~~to the Board. If a bond is canceled and the licensee fails to~~  
15 ~~file a new bond with the Board in the required amount on or~~  
16 ~~before the effective date of cancellation, the licensee's~~  
17 ~~license shall be revoked. The total and aggregate liability of~~  
18 ~~the surety on the bond is limited to the amount specified in~~  
19 ~~the bond.~~

20 (e) No other license fee, privilege tax, excise tax, or  
21 racing fee, except as provided in this Act, shall be assessed  
22 or collected from any such licensee by the State.

23 (f) No other license fee, privilege tax, excise tax or  
24 racing fee shall be assessed or collected from any such  
25 licensee by units of local government except as provided in  
26 paragraph 10.1 of subsection (h) and subsection (f) of Section

1 26 of this Act. However, any municipality that has a Board  
2 licensed horse race meeting at a race track wholly within its  
3 corporate boundaries or a township that has a Board licensed  
4 horse race meeting at a race track wholly within the  
5 unincorporated area of the township may charge a local  
6 amusement tax not to exceed 10¢ per admission to such horse  
7 race meeting by the enactment of an ordinance. However, any  
8 municipality or county that has a Board licensed inter-track  
9 wagering location facility wholly within its corporate  
10 boundaries may each impose an admission fee not to exceed \$1.00  
11 per admission to such inter-track wagering location facility,  
12 so that a total of not more than \$2.00 per admission may be  
13 imposed. Except as provided in subparagraph (g) of Section 27  
14 of this Act, the inter-track wagering location licensee shall  
15 collect any and all such fees. Inter-track wagering location  
16 licensees must pay the admission fees required under this  
17 subsection (f) to the municipality and county no later than the  
18 20th of the month following the month such admission fees were  
19 imposed. ~~as the Board prescribes~~

20 (g) Notwithstanding any provision in this Act to the  
21 contrary, if in any calendar year the total taxes and fees ~~from~~  
22 ~~wagering on live racing and from inter-track wagering~~ required  
23 to be collected from licensees and distributed under this Act  
24 to all State and local governmental authorities exceeds the  
25 amount of such taxes and fees distributed to each State and  
26 local governmental authority to which each State and local



1 governmental authority was entitled under this Act for calendar  
2 year 1994, then the first \$11 million of that excess amount  
3 shall be allocated at the earliest possible date for  
4 distribution as purse money for the succeeding calendar year.  
5 Upon reaching the 1994 level, and until the excess amount of  
6 taxes and fees exceeds \$11 million, the Board shall direct all  
7 licensees to cease paying the subject taxes and fees and the  
8 Board shall direct all licensees to allocate any such excess  
9 amount for purses as follows:

10 (i) the excess amount shall be initially divided  
11 between thoroughbred and standardbred purses based on the  
12 thoroughbred's and standardbred's respective percentages  
13 of total Illinois live wagering in calendar year 1994;

14 (ii) each thoroughbred and standardbred organization  
15 licensee issued an organization licensee in that  
16 succeeding allocation year shall be allocated an amount  
17 equal to the product of its percentage of total Illinois  
18 live thoroughbred or standardbred wagering in calendar  
19 year 1994 (the total to be determined based on the sum of  
20 1994 on-track wagering for all organization licensees  
21 issued organization licenses in both the allocation year  
22 and the preceding year) multiplied by the total amount  
23 allocated for standardbred or thoroughbred purses,  
24 provided that the first \$1,500,000 of the amount allocated  
25 to standardbred purses under item (i) shall be allocated to  
26 the Department of Agriculture to be expended with the

1 assistance and advice of the Illinois Standardbred  
2 Breeders Funds Advisory Board for the purposes listed in  
3 subsection (g) of Section 31 of this Act, before the amount  
4 allocated to standardbred purses under item (i) is  
5 allocated to standardbred organization licensees in the  
6 succeeding allocation year.

7 To the extent the excess amount of taxes and fees to be  
8 collected and distributed to State and local governmental  
9 authorities exceeds \$11 million, that excess amount shall be  
10 collected and distributed to State and local authorities as  
11 provided for under this Act.

12 (Source: P.A. 100-627, eff. 7-20-18; 101-31, eff. 6-28-19;  
13 101-52, eff. 7-12-19; revised 8-28-19.)

14 (230 ILCS 5/29) (from Ch. 8, par. 37-29)

15 Sec. 29. (a) After the privilege or pari-mutuel tax  
16 established in Sections 26(f), 27, and 27.1 is paid to the  
17 State from the monies retained by the organization licensee  
18 pursuant to Sections 26, 26.2, and 26.3, the remainder of those  
19 monies retained pursuant to Sections 26 and 26.2, except as  
20 provided in subsection (g) of Section 27 of this Act, shall be  
21 allocated evenly to the organization licensee and as purses.

22 (b) (Blank).

23 (c) (Blank).

24 (d) ~~From the amounts generated for purses from all sources,~~  
25 ~~including, but not limited to, amounts generated from wagering~~

1 ~~conducted by organization licensees, organization gaming~~  
2 ~~licensees, inter-track wagering licensees, inter-track~~  
3 ~~wagering location licensees, and advance deposit wagering~~  
4 ~~licensees, an organization licensee shall pay to an~~  
5 ~~organization representing the largest number of horse owners~~  
6 ~~and trainers in Illinois, for thoroughbred and standardbred~~  
7 ~~horses that race at the track of the organization licensee, an~~  
8 ~~amount equal to at least 5% of any and all revenue earned by~~  
9 ~~the organization licensee for purses for that calendar year. A~~  
10 ~~contract with the appropriate thoroughbred or standardbred~~  
11 ~~horsemen organization shall be negotiated and signed by the~~  
12 ~~organization licensee before the beginning of each calendar~~  
13 ~~year. Amounts may be used for any legal purpose, including, but~~  
14 ~~not limited to, operational expenses, programs for backstretch~~  
15 ~~workers, retirement plans, diversity scholarships, horse~~  
16 ~~aftercare programs, workers compensation insurance fees, and~~  
17 ~~horse ownership programs. Financial statements highlighting~~  
18 ~~how the funding is spent shall be provided upon request to the~~  
19 ~~organization licensee. The appropriate thoroughbred or~~  
20 ~~standardbred horsemen organization shall make that information~~  
21 ~~available on its website.~~

22 Each organization licensee and inter-track wagering  
23 licensee from the money retained for purses as set forth in  
24 subsection (a) of this Section, shall pay to an organization  
25 representing the largest number of horse owners and trainers  
26 which has negotiated a contract with the organization licensee

1 for such purpose an amount equal to at least 1% of the  
2 organization licensee's and inter-track wagering licensee's  
3 retention of the pari-mutuel handle for the racing season. Each  
4 inter-track wagering location licensee, from the 4% of its  
5 handle required to be paid as purses under paragraph (11) of  
6 subsection (h) of Section 26 of this Act, shall pay to the  
7 contractually established representative organization 2% of  
8 that 4%, provided that the payments so made to the organization  
9 shall not exceed a total of \$125,000 in any calendar year. Such  
10 contract shall be negotiated and signed prior to the beginning  
11 of the racing season.

12 (Source: P.A. 101-31, eff. 6-28-19.)

13 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

14 Sec. 30. (a) The General Assembly declares that it is the  
15 policy of this State to encourage the breeding of thoroughbred  
16 horses in this State and the ownership of such horses by  
17 residents of this State in order to provide for: sufficient  
18 numbers of high quality thoroughbred horses to participate in  
19 thoroughbred racing meetings in this State, and to establish  
20 and preserve the agricultural and commercial benefits of such  
21 breeding and racing industries to the State of Illinois. It is  
22 the intent of the General Assembly to further this policy by  
23 the provisions of this Act.

24 (b) Each organization licensee conducting a thoroughbred  
25 racing meeting pursuant to this Act shall provide at least two

1 races each day limited to Illinois conceived and foaled horses  
2 or Illinois foaled horses or both. A minimum of 6 races shall  
3 be conducted each week limited to Illinois conceived and foaled  
4 or Illinois foaled horses or both. No horses shall be permitted  
5 to start in such races unless duly registered under the rules  
6 of the Department of Agriculture.

7 (c) Conditions of races under subsection (b) shall be  
8 commensurate with past performance, quality, and class of  
9 Illinois conceived and foaled and Illinois foaled horses  
10 available. If, however, sufficient competition cannot be had  
11 among horses of that class on any day, the races may, with  
12 consent of the Board, be eliminated for that day and substitute  
13 races provided.

14 (d) There is hereby created a special fund of the State  
15 Treasury to be known as the Illinois Thoroughbred Breeders  
16 Fund.

17 ~~Beginning on the effective date of this amendatory Act of~~  
18 ~~the 101st General Assembly, the Illinois Thoroughbred Breeders~~  
19 ~~Fund shall become a non appropriated trust fund held separate~~  
20 ~~from State moneys. Expenditures from this Fund shall no longer~~  
21 ~~be subject to appropriation.~~

22 Except as provided in subsection (g) of Section 27 of this  
23 Act, 8.5% of all the monies received by the State as privilege  
24 taxes on Thoroughbred racing meetings shall be paid into the  
25 Illinois Thoroughbred Breeders Fund.

26 ~~Notwithstanding any provision of law to the contrary,~~

1 ~~amounts deposited into the Illinois Thoroughbred Breeders Fund~~  
2 ~~from revenues generated by gaming pursuant to an organization~~  
3 ~~gaming license issued under the Illinois Gambling Act after the~~  
4 ~~effective date of this amendatory Act of the 101st General~~  
5 ~~Assembly shall be in addition to tax and fee amounts paid under~~  
6 ~~this Section for calendar year 2019 and thereafter.~~

7 (e) The Illinois Thoroughbred Breeders Fund shall be  
8 administered by the Department of Agriculture with the advice  
9 and assistance of the Advisory Board created in subsection (f)  
10 of this Section.

11 (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
12 shall consist of the Director of the Department of Agriculture,  
13 who shall serve as Chairman; a member of the Illinois Racing  
14 Board, designated by it; 2 representatives of the organization  
15 licensees conducting thoroughbred racing meetings, recommended  
16 by them; 2 representatives of the Illinois Thoroughbred  
17 Breeders and Owners Foundation, recommended by it; ~~one~~  
18 representative and 2 representatives of the Horsemen's  
19 Benevolent Protective Association; ~~and one representative from~~  
20 ~~the Illinois Thoroughbred Horsemen's Association~~ or any  
21 successor organization established in Illinois comprised of  
22 the largest number of owners and trainers, recommended by it,  
23 with one representative of the Horsemen's Benevolent and  
24 Protective Association to come from its Illinois Division, and  
25 one from its Chicago Division. Advisory Board members shall  
26 serve for 2 years commencing January 1 of each odd numbered

1 year. If representatives of the organization licensees  
2 conducting thoroughbred racing meetings, the Illinois  
3 Thoroughbred Breeders and Owners Foundation, and the  
4 Horsemen's Benevolent Protection Association, ~~and the Illinois~~  
5 ~~Thoroughbred Horsemen's Association~~ have not been recommended  
6 by January 1, of each odd numbered year, the Director of the  
7 Department of Agriculture shall make an appointment for the  
8 organization failing to so recommend a member of the Advisory  
9 Board. Advisory Board members shall receive no compensation for  
10 their services as members but shall be reimbursed for all  
11 actual and necessary expenses and disbursements incurred in the  
12 execution of their official duties.

13 (g) No monies shall be expended from the Illinois  
14 Thoroughbred Breeders Fund except as appropriated by the  
15 General Assembly. Monies ~~expended~~ appropriated from the  
16 Illinois Thoroughbred Breeders Fund shall be expended by the  
17 Department of Agriculture, with the advice and assistance of  
18 the Illinois Thoroughbred Breeders Fund Advisory Board, for the  
19 following purposes only:

20 (1) To provide purse supplements to owners of horses  
21 participating in races limited to Illinois conceived and  
22 foaled and Illinois foaled horses. Any such purse  
23 supplements shall not be included in and shall be paid in  
24 addition to any purses, stakes, or breeders' awards offered  
25 by each organization licensee as determined by agreement  
26 between such organization licensee and an organization

1 representing the horsemen. No monies from the Illinois  
2 Thoroughbred Breeders Fund shall be used to provide purse  
3 supplements for claiming races in which the minimum  
4 claiming price is less than \$7,500.

5 (2) To provide stakes and awards to be paid to the  
6 owners of the winning horses in certain races limited to  
7 Illinois conceived and foaled and Illinois foaled horses  
8 designated as stakes races.

9 (2.5) To provide an award to the owner or owners of an  
10 Illinois conceived and foaled or Illinois foaled horse that  
11 wins a maiden special weight, an allowance, overnight  
12 handicap race, or claiming race with claiming price of  
13 \$10,000 or more providing the race is not restricted to  
14 Illinois conceived and foaled or Illinois foaled horses.  
15 Awards shall also be provided to the owner or owners of  
16 Illinois conceived and foaled and Illinois foaled horses  
17 that place second or third in those races. To the extent  
18 that additional moneys are required to pay the minimum  
19 additional awards of 40% of the purse the horse earns for  
20 placing first, second or third in those races for Illinois  
21 foaled horses and of 60% of the purse the horse earns for  
22 placing first, second or third in those races for Illinois  
23 conceived and foaled horses, those moneys shall be provided  
24 from the purse account at the track where earned.

25 (3) To provide stallion awards to the owner or owners  
26 of any stallion that is duly registered with the Illinois



1 Thoroughbred Breeders Fund Program prior to the effective  
2 date of this amendatory Act of 1995 whose duly registered  
3 Illinois conceived and foaled offspring wins a race  
4 conducted at an Illinois thoroughbred racing meeting other  
5 than a claiming race, ~~provided that the stallion stood~~  
6 ~~service within Illinois at the time the offspring was~~  
7 ~~conceived and that the stallion did not stand for service~~  
8 ~~outside of Illinois at any time during the year in which~~  
9 ~~the offspring was conceived.~~ Such award shall not be paid  
10 to the owner or owners of an Illinois stallion that served  
11 outside this State at any time during the calendar year in  
12 which such race was conducted.

13 (4) To provide \$75,000 annually for purses to be  
14 distributed to county fairs that provide for the running of  
15 races during each county fair exclusively for the  
16 thoroughbreds conceived and foaled in Illinois. The  
17 conditions of the races shall be developed by the county  
18 fair association and reviewed by the Department with the  
19 advice and assistance of the Illinois Thoroughbred  
20 Breeders Fund Advisory Board. There shall be no wagering of  
21 any kind on the running of Illinois conceived and foaled  
22 races at county fairs.

23 (4.1) To provide purse money for an Illinois stallion  
24 stakes program.

25 (5) No less than ~~90%~~ 80% of all monies ~~expended~~  
26 appropriated from the Illinois Thoroughbred Breeders Fund

1 shall be expended for the purposes in (1), (2), (2.5), (3),  
2 (4), (4.1), and (5) as shown above.

3 (6) To provide for educational programs regarding the  
4 thoroughbred breeding industry.

5 (7) To provide for research programs concerning the  
6 health, development and care of the thoroughbred horse.

7 (8) To provide for a scholarship and training program  
8 for students of equine veterinary medicine.

9 (9) To provide for dissemination of public information  
10 designed to promote the breeding of thoroughbred horses in  
11 Illinois.

12 (10) To provide for all expenses incurred in the  
13 administration of the Illinois Thoroughbred Breeders Fund.

14 ~~(h) The Illinois Thoroughbred Breeders Fund is not subject~~  
15 ~~to administrative charges or chargebacks, including, but not~~  
16 ~~limited to, those authorized under Section 8h of the State~~  
17 ~~Finance Act. Whenever the Governor finds that the amount in the~~  
18 ~~Illinois Thoroughbred Breeders Fund is more than the total of~~  
19 ~~the outstanding appropriations from such fund, the Governor~~  
20 ~~shall notify the State Comptroller and the State Treasurer of~~  
21 ~~such fact. The Comptroller and the State Treasurer, upon~~  
22 ~~receipt of such notification, shall transfer such excess amount~~  
23 ~~from the Illinois Thoroughbred Breeders Fund to the General~~  
24 ~~Revenue Fund.~~

25 (i) ~~A sum equal to 13% of the first prize money of every~~  
26 ~~purse won by an Illinois foaled or Illinois conceived and~~

1 ~~foaled horse in races not limited to Illinois foaled horses or~~  
2 ~~Illinois conceived and foaled horses, or both, shall be paid by~~  
3 ~~the organization licensee conducting the horse race meeting.~~  
4 ~~Such sum shall be paid 50% from the organization licensee's~~  
5 ~~share of the money wagered and 50% from the purse account as~~  
6 ~~follows: 11 1/2% to the breeder of the winning horse and 1 1/2%~~  
7 ~~to the organization representing thoroughbred breeders and~~  
8 ~~owners who representative serves on the Illinois Thoroughbred~~  
9 ~~Breeders Fund Advisory Board for verifying the amounts of~~  
10 ~~breeders' awards earned, ensuring their distribution in~~  
11 ~~accordance with this Act, and servicing and promoting the~~  
12 ~~Illinois thoroughbred horse racing industry. Beginning in the~~  
13 ~~calendar year in which an organization licensee that is~~  
14 ~~eligible to receive payments under paragraph (13) of subsection~~  
15 ~~(g) of Section 26 of this Act begins to receive funds from~~  
16 ~~gaming pursuant to an organization gaming license issued under~~  
17 ~~the Illinois Gambling Act, a sum equal to 21 1/2% of the first~~  
18 ~~prize money of every purse won by an Illinois foaled or an~~  
19 ~~Illinois conceived and foaled horse in races not limited to an~~  
20 ~~Illinois conceived and foaled horse, or both, shall be paid 30%~~  
21 ~~from the organization licensee's account and 70% from the purse~~  
22 ~~account as follows: 20% to the breeder of the winning horse and~~  
23 ~~1 1/2% to the organization representing thoroughbred breeders~~  
24 ~~and owners whose representatives serve on the Illinois~~  
25 ~~Thoroughbred Breeders Fund Advisory Board for verifying the~~  
26 ~~amounts of breeders' awards earned, ensuring their~~

1 ~~distribution in accordance with this Act, and servicing and~~  
2 ~~promoting the Illinois Thoroughbred racing industry. A sum~~  
3 equal to 12 1/2% of the first prize money of every purse won by  
4 an Illinois foaled or an Illinois conceived and foaled horse in  
5 races not limited to Illinois foaled horses or Illinois  
6 conceived and foaled horses, or both, shall be paid by the  
7 organization licensee conducting the horse race meeting. Such  
8 sum shall be paid from the organization licensee's share of the  
9 money wagered as follows: 11 1/2% to the breeder of the winning  
10 horse and 1% to the organization representing thoroughbred  
11 breeders and owners whose representative serves on the Illinois  
12 Thoroughbred Breeders Fund Advisory Board for verifying the  
13 amounts of breeders' awards earned, assuring their  
14 distribution in accordance with this Act, and servicing and  
15 promoting the Illinois thoroughbred horse racing industry. The  
16 organization representing thoroughbred breeders and owners  
17 shall cause all expenditures of monies received under this  
18 subsection (i) to be audited at least annually by a registered  
19 public accountant. The organization shall file copies of each  
20 annual audit with the Racing Board, the Clerk of the House of  
21 Representatives and the Secretary of the Senate, and shall make  
22 copies of each annual audit available to the public upon  
23 request and upon payment of the reasonable cost of photocopying  
24 the requested number of copies. Such payments shall not reduce  
25 any award to the owner of the horse or reduce the taxes payable  
26 under this Act. Upon completion of its racing meet, each

1 organization licensee shall deliver to the organization  
2 representing thoroughbred breeders and owners whose  
3 representative serves on the Illinois Thoroughbred Breeders  
4 Fund Advisory Board a listing of all the Illinois foaled and  
5 the Illinois conceived and foaled horses which won breeders'  
6 awards and the amount of such breeders' awards under this  
7 subsection to verify accuracy of payments and assure proper  
8 distribution of breeders' awards in accordance with the  
9 provisions of this Act. Such payments shall be delivered by the  
10 organization licensee within 30 days of the end of each race  
11 meeting.

12 ~~(j) A sum equal to 13% of the first prize money won in~~  
13 ~~every race limited to Illinois foaled horses or Illinois~~  
14 ~~conceived and foaled horses, or both, shall be paid in the~~  
15 ~~following manner by the organization licensee conducting the~~  
16 ~~horse race meeting, 50% from the organization licensee's share~~  
17 ~~of the money wagered and 50% from the purse account as follows:~~  
18 ~~11 1/2% to the breeders of the horses in each such race which~~  
19 ~~are the official first, second, third, and fourth finishers and~~  
20 ~~1 1/2% to the organization representing thoroughbred breeders~~  
21 ~~and owners whose representatives serve on the Illinois~~  
22 ~~Thoroughbred Breeders Fund Advisory Board for verifying the~~  
23 ~~amounts of breeders' awards earned, ensuring their proper~~  
24 ~~distribution in accordance with this Act, and servicing and~~  
25 ~~promoting the Illinois horse racing industry. Beginning in the~~  
26 ~~calendar year in which an organization licensee that is~~

1 ~~eligible to receive payments under paragraph (13) of subsection~~  
2 ~~(g) of Section 26 of this Act begins to receive funds from~~  
3 ~~gaming pursuant to an organization gaming license issued under~~  
4 ~~the Illinois Gambling Act, a sum of 21 1/2% of every purse in a~~  
5 ~~race limited to Illinois foaled horses or Illinois conceived~~  
6 ~~and foaled horses, or both, shall be paid by the organization~~  
7 ~~licensee conducting the horse race meeting. Such sum shall be~~  
8 ~~paid 30% from the organization licensee's account and 70% from~~  
9 ~~the purse account as follows: 20% to the breeders of the horses~~  
10 ~~in each such race who are official first, second, third and~~  
11 ~~fourth finishers and 1 1/2% to the organization representing~~  
12 ~~thoroughbred breeders and owners whose representatives serve~~  
13 ~~on the Illinois Thoroughbred Breeders Fund Advisory Board for~~  
14 ~~verifying the amounts of breeders' awards earned, ensuring~~  
15 ~~their proper distribution in accordance with this Act, and~~  
16 ~~servicing and promoting the Illinois thoroughbred horse racing~~  
17 ~~industry. The organization representing thoroughbred breeders~~  
18 ~~and owners shall cause all expenditures of moneys received~~  
19 ~~under this subsection (j) to be audited at least annually by a~~  
20 ~~registered public accountant. The organization shall file~~  
21 ~~copies of each annual audit with the Racing Board, the Clerk of~~  
22 ~~the House of Representatives and the Secretary of the Senate,~~  
23 ~~and shall make copies of each annual audit available to the~~  
24 ~~public upon request and upon payment of the reasonable cost of~~  
25 ~~photocopying the requested number of copies. The copies of the~~  
26 ~~audit to the General Assembly shall be filed with the Clerk of~~

1 ~~the House of Representatives and the Secretary of the Senate in~~  
2 ~~electronic form only, in the manner that the Clerk and the~~  
3 ~~Secretary shall direct.~~ A sum equal to 12 1/2% of the first  
4 prize money won in each race limited to Illinois foaled horses  
5 or Illinois conceived and foaled horses, or both, shall be paid  
6 in the following manner by the organization licensee conducting  
7 the horse race meeting, from the organization licensee's share  
8 of the money wagered: 11 1/2% to the breeders of the horses in  
9 each such race which are the official first, second, third and  
10 fourth finishers and 1% to the organization representing  
11 thoroughbred breeders and owners whose representative serves  
12 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
13 verifying the amounts of breeders' awards earned, assuring  
14 their proper distribution in accordance with this Act, and  
15 servicing and promoting the Illinois thoroughbred horse racing  
16 industry. The organization representing thoroughbred breeders  
17 and owners shall cause all expenditures of monies received  
18 under this subsection (j) to be audited at least annually by a  
19 registered public accountant. The organization shall file  
20 copies of each annual audit with the Racing Board, the Clerk of  
21 the House of Representatives and the Secretary of the Senate,  
22 and shall make copies of each annual audit available to the  
23 public upon request and upon payment of the reasonable cost of  
24 photocopying the requested number of copies.

25       The ~~amounts~~ 11 1/2% paid to the breeders in accordance with  
26 this subsection shall be distributed as follows:

1           (1) 60% of such sum shall be paid to the breeder of the  
2 horse which finishes in the official first position;

3           (2) 20% of such sum shall be paid to the breeder of the  
4 horse which finishes in the official second position;

5           (3) 15% of such sum shall be paid to the breeder of the  
6 horse which finishes in the official third position; and

7           (4) 5% of such sum shall be paid to the breeder of the  
8 horse which finishes in the official fourth position.

9           Such payments shall not reduce any award to the owners of a  
10 horse or reduce the taxes payable under this Act. Upon  
11 completion of its racing meet, each organization licensee shall  
12 deliver to the organization representing thoroughbred breeders  
13 and owners whose representative serves on the Illinois  
14 Thoroughbred Breeders Fund Advisory Board a listing of all the  
15 Illinois foaled and the Illinois conceived and foaled horses  
16 which won breeders' awards and the amount of such breeders'  
17 awards in accordance with the provisions of this Act. Such  
18 payments shall be delivered by the organization licensee within  
19 30 days of the end of each race meeting.

20           (k) The term "breeder", as used herein, means the owner of  
21 the mare at the time the foal is dropped. An "Illinois foaled  
22 horse" is a foal dropped by a mare which enters this State on  
23 or before December 1, in the year in which the horse is bred,  
24 provided the mare remains continuously in this State until its  
25 foal is born. An "Illinois foaled horse" also means a foal born  
26 of a mare in the same year as the mare enters this State on or



1 before March 1, and remains in this State at least 30 days  
2 after foaling, is bred back during the season of the foaling to  
3 an Illinois Registered Stallion (unless a veterinarian  
4 certifies that the mare should not be bred for health reasons),  
5 and is not bred to a stallion standing in any other state  
6 during the season of foaling. An "Illinois foaled horse" also  
7 means a foal born in Illinois of a mare purchased at public  
8 auction subsequent to the mare entering this State ~~on or before~~  
9 ~~March 1~~ prior to February 1 of the foaling year providing the  
10 mare is owned solely by one or more Illinois residents or an  
11 Illinois entity that is entirely owned by one or more Illinois  
12 residents.

13 (1) The Department of Agriculture shall, by rule, with the  
14 advice and assistance of the Illinois Thoroughbred Breeders  
15 Fund Advisory Board:

16 (1) Qualify stallions for Illinois breeding; such  
17 stallions to stand for service within the State of Illinois  
18 at the time of a foal's conception. Such stallion must not  
19 stand for service at any place outside the State of  
20 Illinois during the calendar year in which the foal is  
21 conceived. The Department of Agriculture may assess and  
22 collect ~~an~~ application ~~fee of up to \$500~~ fees for the  
23 registration of Illinois-eligible stallions. All fees  
24 collected are to be ~~held in trust accounts for the purposes~~  
25 ~~set forth in this Act and in accordance with Section 205-15~~  
26 ~~of the Department of Agriculture Law~~ paid into the Illinois

1           Thoroughbred Breeders Fund.

2           (2) Provide for the registration of Illinois conceived  
3           and foaled horses and Illinois foaled horses. No such horse  
4           shall compete in the races limited to Illinois conceived  
5           and foaled horses or Illinois foaled horses or both unless  
6           registered with the Department of Agriculture. The  
7           Department of Agriculture may prescribe such forms as are  
8           necessary to determine the eligibility of such horses. The  
9           Department of Agriculture may assess and collect  
10          application fees for the registration of Illinois-eligible  
11          foals. All fees collected are to be ~~held in trust accounts~~  
12          ~~for the purposes set forth in this Act and in accordance~~  
13          ~~with Section 205-15 of the Department of Agriculture Law~~  
14          paid into the Illinois Thoroughbred Breeders Fund. No  
15          person shall knowingly prepare or cause preparation of an  
16          application for registration of such foals containing  
17          false information.

18          (m) The Department of Agriculture, with the advice and  
19          assistance of the Illinois Thoroughbred Breeders Fund Advisory  
20          Board, shall provide that certain races limited to Illinois  
21          conceived and foaled and Illinois foaled horses be stakes races  
22          and determine the total amount of stakes and awards to be paid  
23          to the owners of the winning horses in such races.

24          In determining the stakes races and the amount of awards  
25          for such races, the Department of Agriculture shall consider  
26          factors, including but not limited to, the amount of money

1 appropriated for the Illinois Thoroughbred Breeders Fund  
2 program, organization licensees' contributions, availability  
3 of stakes caliber horses as demonstrated by past performances,  
4 whether the race can be coordinated into the proposed racing  
5 dates within organization licensees' racing dates, opportunity  
6 for colts and fillies and various age groups to race, public  
7 wagering on such races, and the previous racing schedule.

8 (n) The Board and the ~~organization~~ organizational licensee  
9 shall notify the Department of the conditions and minimum  
10 purses for races limited to Illinois conceived and foaled and  
11 Illinois foaled horses conducted for each ~~organization~~  
12 organizational licensee conducting a thoroughbred racing  
13 meeting. The Department of Agriculture with the advice and  
14 assistance of the Illinois Thoroughbred Breeders Fund Advisory  
15 Board may allocate monies for purse supplements for such races.  
16 In determining whether to allocate money and the amount, the  
17 Department of Agriculture shall consider factors, including  
18 but not limited to, the amount of money appropriated for the  
19 Illinois Thoroughbred Breeders Fund program, the number of  
20 races that may occur, and the ~~organization~~ organizational  
21 licensee's purse structure.

22 (o) (Blank).

23 (Source: P.A. 101-31, eff. 6-28-19.)

24 (230 ILCS 5/30.5)

25 Sec. 30.5. Illinois Racing Quarter Horse Breeders Fund.

1           (a) The General Assembly declares that it is the policy of  
2 this State to encourage the breeding of racing quarter horses  
3 in this State and the ownership of such horses by residents of  
4 this State in order to provide for sufficient numbers of high  
5 quality racing quarter horses in this State and to establish  
6 and preserve the agricultural and commercial benefits of such  
7 breeding and racing industries to the State of Illinois. It is  
8 the intent of the General Assembly to further this policy by  
9 the provisions of this Act.

10           (b) There is hereby created a special fund in the State  
11 Treasury to be known as the Illinois Racing Quarter Horse  
12 Breeders Fund. Except as provided in subsection (g) of Section  
13 27 of this Act, 8.5% of all the moneys received by the State as  
14 pari-mutuel taxes on quarter horse racing shall be paid into  
15 the Illinois Racing Quarter Horse Breeders Fund. ~~The Illinois  
16 Racing Quarter Horse Breeders Fund shall not be subject to  
17 administrative charges or chargebacks, including, but not  
18 limited to, those authorized under Section 8h of the State  
19 Finance Act.~~

20           (c) The Illinois Racing Quarter Horse Breeders Fund shall  
21 be administered by the Department of Agriculture with the  
22 advice and assistance of the Advisory Board created in  
23 subsection (d) of this Section.

24           (d) The Illinois Racing Quarter Horse Breeders Fund  
25 Advisory Board shall consist of the Director of the Department  
26 of Agriculture, who shall serve as Chairman; a member of the

1 Illinois Racing Board, designated by it; one representative of  
2 the organization licensees conducting pari-mutuel quarter  
3 horse racing meetings, recommended by them; 2 representatives  
4 of the Illinois Running Quarter Horse Association, recommended  
5 by it; and the Superintendent of Fairs and Promotions from the  
6 Department of Agriculture. Advisory Board members shall serve  
7 for 2 years commencing January 1 of each odd numbered year. If  
8 representatives have not been recommended by January 1 of each  
9 odd numbered year, the Director of the Department of  
10 Agriculture may make an appointment for the organization  
11 failing to so recommend a member of the Advisory Board.  
12 Advisory Board members shall receive no compensation for their  
13 services as members but may be reimbursed for all actual and  
14 necessary expenses and disbursements incurred in the execution  
15 of their official duties.

16 (e) ~~Moneys in~~ No moneys shall be expended from the Illinois  
17 Racing Quarter Horse Breeders Fund except as appropriated by  
18 the General Assembly. Moneys appropriated from the Illinois  
19 Racing Quarter Horse Breeders Fund shall be expended by the  
20 Department of Agriculture, with the advice and assistance of  
21 the Illinois Racing Quarter Horse Breeders Fund Advisory Board,  
22 for the following purposes only:

23 (1) To provide stakes and awards to be paid to the  
24 owners of the winning horses in certain races. This  
25 provision is limited to Illinois conceived and foaled  
26 horses.

1           (2) To provide an award to the owner or owners of an  
2 Illinois conceived and foaled horse that wins a race when  
3 pari-mutuel wagering is conducted; providing the race is  
4 not restricted to Illinois conceived and foaled horses.

5           (3) To provide purse money for an Illinois stallion  
6 stakes program.

7           (4) To provide for purses to be distributed for the  
8 running of races during the Illinois State Fair and the  
9 DuQuoin State Fair exclusively for quarter horses  
10 conceived and foaled in Illinois.

11           (5) To provide for purses to be distributed for the  
12 running of races at Illinois county fairs exclusively for  
13 quarter horses conceived and foaled in Illinois.

14           (6) To provide for purses to be distributed for running  
15 races exclusively for quarter horses conceived and foaled  
16 in Illinois at locations in Illinois determined by the  
17 Department of Agriculture with advice and consent of the  
18 Illinois Racing Quarter Horse Breeders Fund Advisory  
19 Board.

20           (7) No less than 90% of all moneys appropriated from  
21 the Illinois Racing Quarter Horse Breeders Fund shall be  
22 expended for the purposes in items (1), (2), (3), (4), and  
23 (5) of this subsection (e).

24           (8) To provide for research programs concerning the  
25 health, development, and care of racing quarter horses.

26           (9) To provide for dissemination of public information

1 designed to promote the breeding of racing quarter horses  
2 in Illinois.

3 (10) To provide for expenses incurred in the  
4 administration of the Illinois Racing Quarter Horse  
5 Breeders Fund.

6 (f) The Department of Agriculture shall, by rule, with the  
7 advice and assistance of the Illinois Racing Quarter Horse  
8 Breeders Fund Advisory Board:

9 (1) Qualify stallions for Illinois breeding; such  
10 stallions to stand for service within the State of  
11 Illinois, at the time of a foal's conception. Such stallion  
12 must not stand for service at any place outside the State  
13 of Illinois during the calendar year in which the foal is  
14 conceived. The Department of Agriculture may assess and  
15 collect application fees for the registration of  
16 Illinois-eligible stallions. All fees collected are to be  
17 paid into the Illinois Racing Quarter Horse Breeders Fund.

18 (2) Provide for the registration of Illinois conceived  
19 and foaled horses. No such horse shall compete in the races  
20 limited to Illinois conceived and foaled horses unless it  
21 is registered with the Department of Agriculture. The  
22 Department of Agriculture may prescribe such forms as are  
23 necessary to determine the eligibility of such horses. The  
24 Department of Agriculture may assess and collect  
25 application fees for the registration of Illinois-eligible  
26 foals. All fees collected are to be paid into the Illinois

1 Racing Quarter Horse Breeders Fund. No person shall  
2 knowingly prepare or cause preparation of an application  
3 for registration of such foals that contains false  
4 information.

5 (g) The Department of Agriculture, with the advice and  
6 assistance of the Illinois Racing Quarter Horse Breeders Fund  
7 Advisory Board, shall provide that certain races limited to  
8 Illinois conceived and foaled be stakes races and determine the  
9 total amount of stakes and awards to be paid to the owners of  
10 the winning horses in such races.

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

13 Sec. 31. (a) The General Assembly declares that it is the  
14 policy of this State to encourage the breeding of standardbred  
15 horses in this State and the ownership of such horses by  
16 residents of this State in order to provide for: sufficient  
17 numbers of high quality standardbred horses to participate in  
18 harness racing meetings in this State, and to establish and  
19 preserve the agricultural and commercial benefits of such  
20 breeding and racing industries to the State of Illinois. It is  
21 the intent of the General Assembly to further this policy by  
22 the provisions of this Section of this Act.

23 (b) Each organization licensee conducting a harness racing  
24 meeting pursuant to this Act shall provide for at least two  
25 races each race program limited to Illinois conceived and



1 foaled horses. A minimum of 6 races shall be conducted each  
2 week limited to Illinois conceived and foaled horses. No horses  
3 shall be permitted to start in such races unless duly  
4 registered under the rules of the Department of Agriculture.

5 ~~(b-5) Organization licensees, not including the Illinois~~  
6 ~~State Fair or the DuQuoin State Fair, shall provide stake races~~  
7 ~~and early closer races for Illinois conceived and foaled horses~~  
8 ~~so that purses distributed for such races shall be no less than~~  
9 ~~17% of total purses distributed for harness racing in that~~  
10 ~~calendar year in addition to any stakes payments and starting~~  
11 ~~fees contributed by horse owners.~~

12 ~~(b-10) Each organization licensee conducting a harness~~  
13 ~~racing meeting pursuant to this Act shall provide an owner~~  
14 ~~award to be paid from the purse account equal to 12% of the~~  
15 ~~amount earned by Illinois conceived and foaled horses finishing~~  
16 ~~in the first 3 positions in races that are not restricted to~~  
17 ~~Illinois conceived and foaled horses. The owner awards shall~~  
18 ~~not be paid on races below the \$10,000 claiming class.~~

19 (c) Conditions of races under subsection (b) shall be  
20 commensurate with past performance, quality and class of  
21 Illinois conceived and foaled horses available. If, however,  
22 sufficient competition cannot be had among horses of that class  
23 on any day, the races may, with consent of the Board, be  
24 eliminated for that day and substitute races provided.

25 (d) There is hereby created a special fund of the State  
26 Treasury to be known as the Illinois Standardbred Breeders

1 ~~Fund. Beginning on the effective date of this amendatory Act of~~  
2 ~~the 101st General Assembly, the Illinois Standardbred Breeders~~  
3 ~~Fund shall become a non-appropriated trust fund held separate~~  
4 ~~and apart from State moneys. Expenditures from this Fund shall~~  
5 ~~no longer be subject to appropriation.~~

6 During the calendar year 1981, and each year thereafter,  
7 except as provided in subsection (g) of Section 27 of this Act,  
8 eight and one-half per cent of all the monies received by the  
9 State as privilege taxes on harness racing meetings shall be  
10 paid into the Illinois Standardbred Breeders Fund.

11 ~~(e) Notwithstanding any provision of law to the contrary,~~  
12 ~~amounts deposited into the Illinois Standardbred Breeders Fund~~  
13 ~~from revenues generated by gaming pursuant to an organization~~  
14 ~~gaming license issued under the Illinois Gambling Act after the~~  
15 ~~effective date of this amendatory Act of the 101st General~~  
16 ~~Assembly shall be in addition to tax and fee amounts paid under~~  
17 ~~this Section for calendar year 2019 and thereafter. The~~  
18 Illinois Standardbred Breeders Fund shall be administered by  
19 the Department of Agriculture with the assistance and advice of  
20 the Advisory Board created in subsection (f) of this Section.

21 (f) The Illinois Standardbred Breeders Fund Advisory Board  
22 is hereby created. The Advisory Board shall consist of the  
23 Director of the Department of Agriculture, who shall serve as  
24 Chairman; the Superintendent of the Illinois State Fair; a  
25 member of the Illinois Racing Board, designated by it; a  
26 representative of the largest association of Illinois

1 standardbred owners and breeders, recommended by it; a  
2 representative of a statewide association representing  
3 agricultural fairs in Illinois, recommended by it, such  
4 representative to be from a fair at which Illinois conceived  
5 and foaled racing is conducted; a representative of the  
6 organization licensees conducting harness racing meetings,  
7 recommended by them; a representative of the Breeder's  
8 Committee of the association representing the largest number of  
9 standardbred owners, breeders, trainers, caretakers, and  
10 drivers, recommended by it; and a representative of the  
11 association representing the largest number of standardbred  
12 owners, breeders, trainers, caretakers, and drivers,  
13 recommended by it. Advisory Board members shall serve for 2  
14 years commencing January 1 of each odd numbered year. If  
15 representatives of the largest association of Illinois  
16 standardbred owners and breeders, a statewide association of  
17 agricultural fairs in Illinois, the association representing  
18 the largest number of standardbred owners, breeders, trainers,  
19 caretakers, and drivers, a member of the Breeder's Committee of  
20 the association representing the largest number of  
21 standardbred owners, breeders, trainers, caretakers, and  
22 drivers, and the organization licensees conducting harness  
23 racing meetings have not been recommended by January 1 of each  
24 odd numbered year, the Director of the Department of  
25 Agriculture shall make an appointment for the organization  
26 failing to so recommend a member of the Advisory Board.

1 Advisory Board members shall receive no compensation for their  
2 services as members but shall be reimbursed for all actual and  
3 necessary expenses and disbursements incurred in the execution  
4 of their official duties.

5 (g) No monies shall be expended from the Illinois  
6 Standardbred Breeders Fund except as appropriated by the  
7 General Assembly. Monies ~~expended~~ appropriated from the  
8 Illinois Standardbred Breeders Fund shall be expended by the  
9 Department of Agriculture, with the assistance and advice of  
10 the Illinois Standardbred Breeders Fund Advisory Board for the  
11 following purposes only:

12 1. To provide purses for races limited to Illinois  
13 conceived and foaled horses at the State Fair ~~and the~~  
14 ~~DuQuoin State Fair.~~

15 2. To provide purses for races limited to Illinois  
16 conceived and foaled horses at county fairs.

17 3. To provide purse supplements for races limited to  
18 Illinois conceived and foaled horses conducted by  
19 associations conducting harness racing meetings.

20 4. No less than 75% of all monies in the Illinois  
21 Standardbred Breeders Fund shall be expended for purses in  
22 1, 2, and 3 as shown above.

23 5. In the discretion of the Department of Agriculture  
24 to provide awards to harness breeders of Illinois conceived  
25 and foaled horses which win races conducted by organization  
26 licensees conducting harness racing meetings. A breeder is

1 the owner of a mare at the time of conception. No more than  
2 10% of all monies appropriated from the Illinois  
3 Standardbred Breeders Fund shall be expended for such  
4 harness breeders awards. No more than 25% of the amount  
5 expended for harness breeders awards shall be expended for  
6 expenses incurred in the administration of such harness  
7 breeders awards.

8 6. To pay for the improvement of racing facilities  
9 located at the State Fair and County fairs.

10 7. To pay the expenses incurred in the administration  
11 of the Illinois Standardbred Breeders Fund.

12 8. To promote the sport of harness racing, ~~including~~  
13 ~~grants up to a maximum of \$7,500 per fair per year for~~  
14 ~~conducting pari mutuel wagering during the advertised~~  
15 ~~dates of a county fair.~~

16 ~~9. To pay up to \$50,000 annually for the Department of~~  
17 ~~Agriculture to conduct drug testing at county fairs racing~~  
18 ~~standardbred horses.~~

19 (h) ~~The Illinois Standardbred Breeders Fund is not subject~~  
20 ~~to administrative charges or chargebacks, including, but not~~  
21 ~~limited to, those authorized under Section 8h of the State~~  
22 ~~Finance Act. Whenever the Governor finds that the amount in the~~  
23 ~~Illinois Standardbred Breeders Fund is more than the total of~~  
24 ~~the outstanding appropriations from such fund, the Governor~~  
25 ~~shall notify the State Comptroller and the State Treasurer of~~  
26 ~~such fact. The Comptroller and the State Treasurer, upon~~

1 receipt of such notification, shall transfer such excess amount  
2 from the Illinois Standardbred Breeders Fund to the General  
3 Revenue Fund.

4 (i) A sum equal to ~~13%~~ 12 1/2% of the first prize money of  
5 ~~the gross~~ every purse won by an Illinois conceived and foaled  
6 horse shall be paid ~~50%~~ by the organization licensee conducting  
7 the horse race meeting to the breeder of such winning horse  
8 from the organization licensee's ~~account and 50% from the purse~~  
9 ~~account of the licensee~~ share of the money wagered. Such  
10 payment shall not reduce any award to the owner of the horse or  
11 reduce the taxes payable under this Act. Such payment shall be  
12 delivered by the organization licensee at the end of each  
13 ~~quarter~~ race meeting.

14 (j) The Department of Agriculture shall, by rule, with the  
15 assistance and advice of the Illinois Standardbred Breeders  
16 Fund Advisory Board:

17 1. Qualify stallions for Illinois Standardbred  
18 Breeders Fund breeding; such stallion shall be owned by a  
19 resident of the State of Illinois or by an Illinois  
20 corporation all of whose shareholders, directors, officers  
21 and incorporators are residents of the State of Illinois.  
22 Such stallion shall stand for service at and within the  
23 State of Illinois at the time of a foal's conception, and  
24 such stallion must not stand for service at any place, nor  
25 may semen from such stallion be transported, outside the  
26 State of Illinois during that calendar year in which the

1 foal is conceived and that the owner of the stallion was  
2 for the 12 months prior, a resident of Illinois. However,  
3 from January 1, 2018 until January 1, 2022, semen from an  
4 Illinois stallion may be transported outside the State of  
5 Illinois. The articles of agreement of any partnership,  
6 joint venture, limited partnership, syndicate, association  
7 or corporation and any bylaws and stock certificates must  
8 contain a restriction that provides that the ownership or  
9 transfer of interest by any one of the persons a party to  
10 the agreement can only be made to a person who qualifies as  
11 an Illinois resident.

12 2. Provide for the registration of Illinois conceived  
13 and foaled horses and no such horse shall compete in the  
14 races limited to Illinois conceived and foaled horses  
15 unless registered with the Department of Agriculture. The  
16 Department of Agriculture may prescribe such forms as may  
17 be necessary to determine the eligibility of such horses.  
18 No person shall knowingly prepare or cause preparation of  
19 an application for registration of such foals containing  
20 false information. A mare (dam) must be in the State at  
21 least 30 days prior to foaling or remain in the State at  
22 least 30 days at the time of foaling. However, the  
23 requirement that a mare (dam) must be in the State at least  
24 30 days before foaling or remain in the State at least 30  
25 days at the time of foaling shall not be in effect from  
26 January 1, 2018 until January 1, 2022. Beginning with the

1 1996 breeding season and for foals of 1997 and thereafter,  
2 a foal conceived by transported semen may be eligible for  
3 Illinois conceived and foaled registration provided all  
4 breeding and foaling requirements are met. The stallion  
5 must be qualified for Illinois Standardbred Breeders Fund  
6 breeding at the time of conception and the mare must be  
7 inseminated within the State of Illinois. The foal must be  
8 dropped in Illinois and properly registered with the  
9 Department of Agriculture in accordance with this Act.  
10 However, from January 1, 2018 until January 1, 2022, the  
11 requirement for a mare to be inseminated within the State  
12 of Illinois and the requirement for a foal to be dropped in  
13 Illinois are inapplicable.

14 3. Provide that at least a 5-day racing program shall  
15 be conducted at the State Fair each year, unless an  
16 alternate racing program is requested by the Illinois  
17 Standardbred Breeders Fund Advisory Board, which program  
18 shall include at least the following races limited to  
19 Illinois conceived and foaled horses: (a) a 2-year-old ~~two~~  
20 ~~year-old~~ Trot and Pace, and Filly Division of each; (b) a  
21 3-year-old ~~three-year-old~~ Trot and Pace, and Filly Division  
22 of each; (c) an aged Trot and Pace, and Mare Division of  
23 each.

24 4. Provide for the payment of nominating, sustaining  
25 and starting fees for races promoting the sport of harness  
26 racing and for the races to be conducted at the State Fair



1 as provided in subsection (j) 3 of this Section provided  
2 that the nominating, sustaining and starting payment  
3 required from an entrant shall not exceed 2% of the purse  
4 of such race. All nominating, sustaining and starting  
5 payments shall be held for the benefit of entrants and  
6 shall be paid out as part of the respective purses for such  
7 races. Nominating, sustaining and starting fees shall be  
8 held in trust accounts for the purposes as set forth in  
9 this Act and in accordance with Section 205-15 of the  
10 Department of Agriculture Law.

11 5. Provide for the registration with the Department of  
12 Agriculture of Colt Associations or county fairs desiring  
13 to sponsor races at county fairs.

14 ~~6. Provide for the promotion of producing standardbred~~  
15 ~~racehorses by providing a bonus award program for owners of~~  
16 ~~2-year-old horses that win multiple major stakes races that~~  
17 ~~are limited to Illinois conceived and foaled horses.~~

18 (k) The Department of Agriculture, with the advice and  
19 assistance of the Illinois Standardbred Breeders Fund Advisory  
20 Board, may allocate monies for purse supplements for such  
21 races. In determining whether to allocate money and the amount,  
22 the Department of Agriculture shall consider factors,  
23 including, but not limited to, the amount of money appropriated  
24 for the Illinois Standardbred Breeders Fund program, the number  
25 of races that may occur, and an organization licensee's purse  
26 structure. The organization licensee shall notify the

1 Department of Agriculture of the conditions and minimum purses  
2 for races limited to Illinois conceived and foaled horses to be  
3 conducted by each organization licensee conducting a harness  
4 racing meeting for which purse supplements have been  
5 negotiated.

6 (l) All races held at county fairs and the State Fair which  
7 receive funds from the Illinois Standardbred Breeders Fund  
8 shall be conducted in accordance with the rules of the United  
9 States Trotting Association unless otherwise modified by the  
10 Department of Agriculture.

11 (m) At all standardbred race meetings held or conducted  
12 under authority of a license granted by the Board, and at all  
13 standardbred races held at county fairs which are approved by  
14 the Department of Agriculture or at the Illinois or DuQuoin  
15 State Fairs, no one shall jog, train, warm up or drive a  
16 standardbred horse unless he or she is wearing a protective  
17 safety helmet, with the chin strap fastened and in place, which  
18 meets the standards and requirements as set forth in the 1984  
19 Standard for Protective Headgear for Use in Harness Racing and  
20 Other Equestrian Sports published by the Snell Memorial  
21 Foundation, or any standards and requirements for headgear the  
22 Illinois Racing Board may approve. Any other standards and  
23 requirements so approved by the Board shall equal or exceed  
24 those published by the Snell Memorial Foundation. Any  
25 equestrian helmet bearing the Snell label shall be deemed to  
26 have met those standards and requirements.

1 (Source: P.A. 100-777, eff. 8-10-18; 101-31, eff. 6-28-19;  
2 101-157, eff. 7-26-19; revised 9-27-19.)

3 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

4 Sec. 31.1. (a) ~~Unless subsection (a 5) applies,~~  
5 ~~organization~~ Organization licensees collectively shall  
6 contribute annually to charity the sum of \$750,000 to  
7 non-profit organizations that provide medical and family,  
8 counseling, and similar services to persons who reside or work  
9 on the backstretch of Illinois racetracks. ~~Unless subsection~~  
10 ~~(a 5) applies, these~~ These contributions shall be collected as  
11 follows: (i) no later than July 1st of each year the Board  
12 shall assess each organization licensee, except those tracks  
13 ~~located in Madison County,~~ which are not within 100 miles of  
14 each other which tracks shall pay \$30,000 annually apiece into  
15 the Board charity fund, that amount which equals \$690,000  
16 multiplied by the amount of pari-mutuel wagering handled by the  
17 organization licensee in the year preceding assessment and  
18 divided by the total pari-mutuel wagering handled by all  
19 Illinois organization licensees, except those tracks ~~located~~  
20 ~~in Madison and Rock Island counties~~ which are not within 100  
21 miles of each other, in the year preceding assessment; (ii)  
22 notice of the assessed contribution shall be mailed to each  
23 organization licensee; (iii) within thirty days of its receipt  
24 of such notice, each organization licensee shall remit the  
25 assessed contribution to the Board. ~~Unless subsection (a 5)~~

1 ~~applies, if an organization licensee commences operation of~~  
2 ~~gaming at its facility pursuant to an organization gaming~~  
3 ~~license under the Illinois Gambling Act, then the organization~~  
4 ~~licensee shall contribute an additional \$83,000 per year~~  
5 ~~beginning in the year subsequent to the first year in which the~~  
6 ~~organization licensee begins receiving funds from gaming~~  
7 ~~pursuant to an organization gaming license.~~ If an organization  
8 licensee wilfully fails to so remit the contribution, the Board  
9 may revoke its license to conduct horse racing.

10 ~~(a 5) If (1) an organization licensee that did not operate~~  
11 ~~live racing in 2017 is awarded racing dates in 2018 or in any~~  
12 ~~subsequent year and (2) all organization licensees are~~  
13 ~~operating gaming pursuant to an organization gaming license~~  
14 ~~under the Illinois Gambling Act, then subsection (a) does not~~  
15 ~~apply and organization licensees collectively shall contribute~~  
16 ~~annually to charity the sum of \$1,000,000 to non profit~~  
17 ~~organizations that provide medical and family, counseling, and~~  
18 ~~similar services to persons who reside or work on the~~  
19 ~~backstretch of Illinois racetracks. These contributions shall~~  
20 ~~be collected as follows: (i) no later than July 1st of each~~  
21 ~~year the Board shall assess each organization licensee an~~  
22 ~~amount based on the proportionate amount of live racing days in~~  
23 ~~the calendar year for which the Board has awarded to the~~  
24 ~~organization licensee out of the total aggregate number of live~~  
25 ~~racing days awarded; (ii) notice of the assessed contribution~~  
26 ~~shall be mailed to each organization licensee; (iii) within 30~~

1 ~~days after its receipt of such notice, each organization~~  
2 ~~licensee shall remit the assessed contribution to the Board. If~~  
3 ~~an organization licensee willfully fails to so remit the~~  
4 ~~contribution, the Board may revoke its license to conduct horse~~  
5 ~~racing.~~

6 (b) No later than October 1st of each year, any qualified  
7 charitable organization seeking an allotment of contributed  
8 funds shall submit to the Board an application for those funds,  
9 using the Board's approved form. No later than December 31st of  
10 each year, the Board shall distribute all such amounts  
11 collected that year to such charitable organization  
12 applicants.

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 (230 ILCS 5/32.1)

15 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack  
16 real estate equalization.

17 ~~(a)~~ In order to encourage new investment in Illinois  
18 racetrack facilities and mitigate differing real estate tax  
19 burdens among all racetracks, the licensees affiliated or  
20 associated with each racetrack that has been awarded live  
21 racing dates in the current year shall receive an immediate  
22 pari-mutuel tax credit in an amount equal to the greater of (i)  
23 50% of the amount of the real estate taxes paid in the prior  
24 year attributable to that racetrack, or (ii) the amount by  
25 which the real estate taxes paid in the prior year attributable

1 to that racetrack exceeds 60% of the average real estate taxes  
2 paid in the prior year for all racetracks awarded live horse  
3 racing meets in the current year.

4 Each year, regardless of whether the organization licensee  
5 conducted live racing in the year of certification, the Board  
6 shall certify in writing, prior to December 31, the real estate  
7 taxes paid in that year for each racetrack and the amount of  
8 the pari-mutuel tax credit that each organization licensee,  
9 inter-track wagering licensee, and inter-track wagering  
10 location licensee that derives its license from such racetrack  
11 is entitled in the succeeding calendar year. The real estate  
12 taxes considered under this Section for any racetrack shall be  
13 those taxes on the real estate parcels and related facilities  
14 used to conduct a horse race meeting and inter-track wagering  
15 at such racetrack under this Act. In no event shall the amount  
16 of the tax credit under this Section exceed the amount of  
17 pari-mutuel taxes otherwise calculated under this Act. The  
18 amount of the tax credit under this Section shall be retained  
19 by each licensee and shall not be subject to any reallocation  
20 or further distribution under this Act. The Board may  
21 promulgate emergency rules to implement this Section.

22 ~~(b) If the organization licensee is operating gaming~~  
23 ~~pursuant to an organization gaming license issued under the~~  
24 ~~Illinois Gambling Act, except the organization licensee~~  
25 ~~described in Section 19.5, then, for the 5-year period~~  
26 ~~beginning on the January 1 of the calendar year immediately~~

1 ~~following the calendar year during which an organization~~  
2 ~~licensee begins conducting gaming operations pursuant to an~~  
3 ~~organization gaming license issued under the Illinois Gambling~~  
4 ~~Act, the organization licensee shall make capital~~  
5 ~~expenditures, in an amount equal to no less than 50% of the tax~~  
6 ~~credit under this Section, to the improvement and maintenance~~  
7 ~~of the backstretch, including, but not limited to, backstretch~~  
8 ~~barns, dormitories, and services for backstretch workers.~~  
9 ~~Those capital expenditures must be in addition to, and not in~~  
10 ~~lieu of, the capital expenditures made for backstretch~~  
11 ~~improvements in calendar year 2015, as reported to the Board in~~  
12 ~~the organization licensee's application for racing dates and as~~  
13 ~~certified by the Board. The organization licensee is required~~  
14 ~~to annually submit the list and amounts of these capital~~  
15 ~~expenditures to the Board by January 30th of the year following~~  
16 ~~the expenditure.~~

17 ~~(c) If the organization licensee is conducting gaming in~~  
18 ~~accordance with paragraph (b), then, after the 5 year period~~  
19 ~~beginning on January 1 of the calendar year immediately~~  
20 ~~following the calendar year during which an organization~~  
21 ~~licensee begins conducting gaming operations pursuant to an~~  
22 ~~organization gaming license issued under the Illinois Gambling~~  
23 ~~Act, the organization license is ineligible to receive a tax~~  
24 ~~credit under this Section.~~

25 (Source: P.A. 101-31, eff. 6-28-19.)

1 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

2 Sec. 36. (a) Whoever administers or conspires to administer  
3 to any horse a hypnotic, narcotic, stimulant, depressant or any  
4 chemical substance which may affect the speed of a horse at any  
5 time ~~in any race where the purse or any part of the purse is~~  
6 ~~made of money authorized by any Section of this Act,~~ except  
7 those chemical substances permitted by ruling of the Board,  
8 internally, externally or by hypodermic method in a race or  
9 prior thereto, or whoever knowingly enters a horse in any race  
10 within a period of 24 hours after any hypnotic, narcotic,  
11 stimulant, depressant or any other chemical substance which may  
12 affect the speed of a horse at any time, except those chemical  
13 substances permitted by ruling of the Board, has been  
14 administered to such horse either internally or externally or  
15 by hypodermic method for the purpose of increasing or retarding  
16 the speed of such horse shall be guilty of a Class 4 felony.  
17 The Board shall suspend or revoke such violator's license.

18 (b) The term "hypnotic" as used in this Section includes  
19 all barbituric acid preparations and derivatives.

20 (c) The term "narcotic" as used in this Section includes  
21 opium and all its alkaloids, salts, preparations and  
22 derivatives, cocaine and all its salts, preparations and  
23 derivatives and substitutes.

24 ~~(d) The provisions of this Section and the treatment~~  
25 ~~authorized in this Section apply to horses entered in and~~  
26 ~~competing in race meetings as defined in Section 3.07 of this~~



1 ~~Act and to horses entered in and competing at any county fair.~~

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

4 Sec. 40. (a) The imposition of any fine or penalty provided  
5 in this Act shall not preclude the Board in its rules and  
6 regulations from imposing a fine or penalty for any other  
7 action which, in the Board's discretion, is a detriment or  
8 impediment to horse racing.

9 (b) The Director of Agriculture or his or her authorized  
10 representative shall impose the following monetary penalties  
11 and hold administrative hearings as required for failure to  
12 submit the following applications, lists, or reports within the  
13 time period, date or manner required by statute or rule or for  
14 removing a foal from Illinois prior to inspection:

15 (1) late filing of a renewal application for offering  
16 or standing stallion for service:

17 (A) if an application is submitted no more than 30  
18 days late, \$50;

19 (B) if an application is submitted no more than 45  
20 days late, \$150; or

21 (C) if an application is submitted more than 45  
22 days late, if filing of the application is allowed  
23 under an administrative hearing, \$250;

24 (2) late filing of list or report of mares bred:

25 (A) if a list or report is submitted no more than

1 30 days late, \$50;

2 (B) if a list or report is submitted no more than  
3 60 days late, \$150; or

4 (C) if a list or report is submitted more than 60  
5 days late, if filing of the list or report is allowed  
6 under an administrative hearing, \$250;

7 (3) filing an Illinois foaled thoroughbred mare status  
8 report after ~~the statutory deadline as provided in~~  
9 ~~subsection (k) of Section 30 of this Act~~ December 31:

10 (A) if a report is submitted no more than 30 days  
11 late, \$50;

12 (B) if a report is submitted no more than 90 days  
13 late, \$150;

14 (C) if a report is submitted no more than 150 days  
15 late, \$250; or

16 (D) if a report is submitted more than 150 days  
17 late, if filing of the report is allowed under an  
18 administrative hearing, \$500;

19 (4) late filing of application for foal eligibility  
20 certificate:

21 (A) if an application is submitted no more than 30  
22 days late, \$50;

23 (B) if an application is submitted no more than 90  
24 days late, \$150;

25 (C) if an application is submitted no more than 150  
26 days late, \$250; or

1 (D) if an application is submitted more than 150  
2 days late, if filing of the application is allowed  
3 under an administrative hearing, \$500;

4 (5) failure to report the intent to remove a foal from  
5 Illinois prior to inspection, identification and  
6 certification by a Department of Agriculture investigator,  
7 \$50; and

8 (6) if a list or report of mares bred is incomplete,  
9 \$50 per mare not included on the list or report.

10 Any person upon whom monetary penalties are imposed under  
11 this Section 3 times within a 5-year period shall have any  
12 further monetary penalties imposed at double the amounts set  
13 forth above. All monies assessed and collected for violations  
14 relating to thoroughbreds shall be paid into the Illinois  
15 Thoroughbred Breeders Fund. All monies assessed and collected  
16 for violations relating to standardbreds shall be paid into the  
17 Illinois Standardbred Breeders Fund.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 5/54.75)

20 Sec. 54.75. Horse Racing Equity Trust Fund.

21 (a) There is created a Fund to be known as the Horse Racing  
22 Equity Trust Fund, which is a non-appropriated trust fund held  
23 separate and apart from State moneys. The Fund shall consist of  
24 moneys paid into it by owners licensees under the ~~Illinois~~  
25 Riverboat Gambling Act for the purposes described in this

1 Section. The Fund shall be administered by the Board. Moneys in  
2 the Fund shall be distributed as directed and certified by the  
3 Board in accordance with the provisions of subsection (b).

4 (b) The moneys deposited into the Fund, plus any accrued  
5 interest on those moneys, shall be distributed within 10 days  
6 after those moneys are deposited into the Fund as follows:

7 (1) Sixty percent of all moneys distributed under this  
8 subsection shall be distributed to organization licensees  
9 to be distributed at their race meetings as purses.  
10 Fifty-seven percent of the amount distributed under this  
11 paragraph (1) shall be distributed for thoroughbred race  
12 meetings and 43% shall be distributed for standardbred race  
13 meetings. Within each breed, moneys shall be allocated to  
14 each organization licensee's purse fund in accordance with  
15 the ratio between the purses generated for that breed by  
16 that licensee during the prior calendar year and the total  
17 purses generated throughout the State for that breed during  
18 the prior calendar year by licensees in the current  
19 calendar year.

20 (2) The remaining 40% of the moneys distributed under  
21 this subsection (b) shall be distributed as follows:

22 (A) 11% shall be distributed to any person (or its  
23 successors or assigns) who had operating control of a  
24 racetrack that conducted live racing in 2002 at a  
25 racetrack in a county with at least 230,000 inhabitants  
26 that borders the Mississippi River and is a licensee in

1 the current year; and

2 (B) the remaining 89% shall be distributed pro rata  
3 according to the aggregate proportion of total handle  
4 from wagering on live races conducted in Illinois  
5 (irrespective of where the wagers are placed) for  
6 calendar years 2004 and 2005 to any person (or its  
7 successors or assigns) who (i) had majority operating  
8 control of a racing facility at which live racing was  
9 conducted in calendar year 2002, (ii) is a licensee in  
10 the current year, and (iii) is not eligible to receive  
11 moneys under subparagraph (A) of this paragraph (2).

12 The moneys received by an organization licensee  
13 under this paragraph (2) shall be used by each  
14 organization licensee to improve, maintain, market,  
15 and otherwise operate its racing facilities to conduct  
16 live racing, which shall include backstretch services  
17 and capital improvements related to live racing and the  
18 backstretch. Any organization licensees sharing common  
19 ownership may pool the moneys received and spent at all  
20 racing facilities commonly owned in order to meet these  
21 requirements.

22 If any person identified in this paragraph (2) becomes  
23 ineligible to receive moneys from the Fund, such amount  
24 shall be redistributed among the remaining persons in  
25 proportion to their percentages otherwise calculated.

26 (c) The Board shall monitor organization licensees to

1 ensure that moneys paid to organization licensees under this  
2 Section are distributed by the organization licensees as  
3 provided in subsection (b).

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (230 ILCS 10/5.3 rep.)

6 (230 ILCS 10/7.7 rep.)

7 (230 ILCS 10/7.8 rep.)

8 (230 ILCS 10/7.10 rep.)

9 (230 ILCS 10/7.11 rep.)

10 (230 ILCS 10/7.12 rep.)

11 (230 ILCS 10/7.13 rep.)

12 (230 ILCS 10/7.14 rep.)

13 (230 ILCS 10/7.15 rep.)

14 Section 10-410. The Illinois Gambling Act is amended by  
15 repealing Sections 5.3, 7.7, 7.8, 7.10, 7.11, 7.12, 7.13, 7.14,  
16 and 7.15, all as added by Public Act 101-31.

17 Section 10-415. The Illinois Gambling Act is amended by  
18 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.3, 7.5, 8, 9, 11,  
19 11.1, 12, 14, 15, 17, 17.1, 18, 18.1, 19, 20, and 24 as  
20 follows:

21 (230 ILCS 10/1) (from Ch. 120, par. 2401)

22 Sec. 1. Short title. This Act shall be known and may be  
23 cited as the ~~Illinois~~ Riverboat Gambling Act.

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 (230 ILCS 10/2) (from Ch. 120, par. 2402)

3 Sec. 2. Legislative Intent.

4 (a) This Act is intended to benefit the people of the State  
5 of Illinois by assisting economic development, and promoting  
6 Illinois tourism, and by increasing the amount of revenues  
7 available to the State to assist and support education, ~~and to~~  
8 ~~defray State expenses.~~

9 (b) While authorization of riverboat ~~and casino~~ gambling  
10 will enhance investment, ~~beautification,~~ development and  
11 tourism in Illinois, it is recognized that it will do so  
12 successfully only if public confidence and trust in the  
13 credibility and integrity of the gambling operations and the  
14 regulatory process is maintained. Therefore, regulatory  
15 provisions of this Act are designed to strictly regulate the  
16 facilities, persons, associations and practices related to  
17 gambling operations pursuant to the police powers of the State,  
18 including comprehensive law enforcement supervision.

19 (c) The Illinois Gaming Board established under this Act  
20 should, as soon as possible, inform each applicant for an  
21 owners license of the Board's intent to grant or deny a  
22 license.

23 (Source: P.A. 101-31, eff. 6-28-19.)

24 (230 ILCS 10/3) (from Ch. 120, par. 2403)

1           Sec. 3. Riverboat Gambling Authorized.

2           (a) Riverboat ~~and casino~~ gambling operations ~~and gaming~~  
3 ~~operations pursuant to an organization gaming license~~ and the  
4 system of wagering incorporated therein, as defined in this  
5 Act, are hereby authorized to the extent that they are carried  
6 out in accordance with the provisions of this Act.

7           (b) This Act does not apply to the pari-mutuel system of  
8 wagering used or intended to be used in connection with the  
9 horse-race meetings as authorized under the Illinois Horse  
10 Racing Act of 1975, lottery games authorized under the Illinois  
11 Lottery Law, bingo authorized under the Bingo License and Tax  
12 Act, charitable games authorized under the Charitable Games Act  
13 or pull tabs and jar games conducted under the Illinois Pull  
14 Tabs and Jar Games Act. ~~This Act applies to gaming by an~~  
15 ~~organization gaming licensee authorized under the Illinois~~  
16 ~~Horse Racing Act of 1975 to the extent provided in that Act and~~  
17 ~~in this Act.~~

18           (c) Riverboat gambling conducted pursuant to this Act may  
19 be authorized upon any water within the State of Illinois or  
20 any water other than Lake Michigan which constitutes a boundary  
21 of the State of Illinois. ~~Notwithstanding any provision in this~~  
22 ~~subsection (c) to the contrary, a licensee that receives its~~  
23 ~~license pursuant to subsection (c-5) of Section 7 may conduct~~  
24 ~~riverboat gambling on Lake Michigan from a home dock located on~~  
25 ~~Lake Michigan subject to any limitations contained in Section~~  
26 ~~7. Notwithstanding any provision in this subsection (c) to the~~



1 ~~contrary, a licensee may conduct gambling at its home dock~~  
2 ~~facility as provided in Sections 7 and 11.~~ A licensee may  
3 conduct riverboat gambling authorized under this Act  
4 regardless of whether it conducts excursion cruises. A licensee  
5 may permit the continuous ingress and egress of passengers for  
6 the purpose of gambling.

7 ~~(d) Gambling that is conducted in accordance with this Act~~  
8 ~~using slot machines and video games of chance and other~~  
9 ~~electronic gambling games as defined in both this Act and the~~  
10 ~~Illinois Horse Racing Act of 1975 is authorized.~~

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 10/4) (from Ch. 120, par. 2404)

13 Sec. 4. Definitions. As used in this Act:

14 (a) "Board" means the Illinois Gaming Board.

15 (b) "Occupational license" means a license issued by the  
16 Board to a person or entity to perform an occupation which the  
17 Board has identified as requiring a license to engage in  
18 riverboat gambling, ~~casino gambling, or gaming pursuant to an~~  
19 ~~organization gaming license issued under this Act~~ in Illinois.

20 (c) "Gambling game" includes, but is not limited to,  
21 baccarat, twenty-one, poker, craps, slot machine, video game of  
22 chance, roulette wheel, klondike table, punchboard, faro  
23 layout, keno layout, numbers ticket, push card, jar ticket, or  
24 pull tab which is authorized by the Board as a wagering device  
25 under this Act.

1        (d) "Riverboat" means a self-propelled excursion boat, a  
2 permanently moored barge, or permanently moored barges that are  
3 permanently fixed together to operate as one vessel, on which  
4 lawful gambling is authorized and licensed as provided in this  
5 Act.

6        ~~"Slot machine" means any mechanical, electrical, or other~~  
7 ~~device, contrivance, or machine that is authorized by the Board~~  
8 ~~as a wagering device under this Act which, upon insertion of a~~  
9 ~~coin, currency, token, or similar object therein, or upon~~  
10 ~~payment of any consideration whatsoever, is available to play~~  
11 ~~or operate, the play or operation of which may deliver or~~  
12 ~~entitle the person playing or operating the machine to receive~~  
13 ~~cash, premiums, merchandise, tokens, or anything of value~~  
14 ~~whatsoever, whether the payoff is made automatically from the~~  
15 ~~machine or in any other manner whatsoever. A slot machine:~~

16            ~~(1) may utilize spinning reels or video displays or~~  
17 ~~both;~~

18            ~~(2) may or may not dispense coins, tickets, or tokens~~  
19 ~~to winning patrons;~~

20            ~~(3) may use an electronic credit system for receiving~~  
21 ~~wagers and making payouts; and~~

22            ~~(4) may simulate a table game.~~

23        ~~"Slot machine" does not include table games authorized by~~  
24 ~~the Board as a wagering device under this Act.~~

25        (e) "Managers license" means a license issued by the Board  
26 to a person or entity to manage gambling operations conducted

1 by the State pursuant to Section 7.3.

2 (f) "Dock" means the location where a riverboat moors for  
3 the purpose of embarking passengers for and disembarking  
4 passengers from the riverboat.

5 (g) "Gross receipts" means the total amount of money  
6 exchanged for the purchase of chips, tokens, or electronic  
7 cards by riverboat patrons.

8 (h) "Adjusted gross receipts" means the gross receipts less  
9 winnings paid to wagerers.

10 (i) "Cheat" means to alter the selection of criteria which  
11 determine the result of a gambling game or the amount or  
12 frequency of payment in a gambling game.

13 (j) (Blank).

14 (k) "Gambling operation" means the conduct of authorized  
15 gambling games ~~authorized under this Act~~ upon a riverboat ~~or in~~  
16 ~~a casino or authorized under this Act and the Illinois Horse~~  
17 ~~Racing Act of 1975 at an organization gaming facility.~~

18 (l) "License bid" means the lump sum amount of money that  
19 an applicant bids and agrees to pay the State in return for an  
20 owners license that is ~~issued or~~ re-issued on or after July 1,  
21 2003.

22 ~~"Table game" means a live gaming apparatus upon which~~  
23 ~~gaming is conducted or that determines an outcome that is the~~  
24 ~~object of a wager, including, but not limited to, baccarat,~~  
25 ~~twenty-one, blackjack, poker, craps, roulette wheel, klondike~~  
26 ~~table, punchboard, faro layout, keno layout, numbers ticket,~~

1 ~~push card, jar ticket, pull tab, or other similar games that~~  
2 ~~are authorized by the Board as a wagering device under this~~  
3 ~~Act. "Table game" does not include slot machines or video games~~  
4 ~~of chance.~~

5 (m) The terms "minority person", "woman", and "person with  
6 a disability" shall have the same meaning as defined in Section  
7 2 of the Business Enterprise for Minorities, Women, and Persons  
8 with Disabilities Act.

9 ~~"Casino" means a facility at which lawful gambling is~~  
10 ~~authorized as provided in this Act.~~

11 ~~"Owners license" means a license to conduct riverboat or~~  
12 ~~casino gambling operations, but does not include an~~  
13 ~~organization gaming license.~~

14 ~~"Licensed owner" means a person who holds an owners~~  
15 ~~license.~~

16 ~~"Organization gaming facility" means that portion of an~~  
17 ~~organization licensee's racetrack facilities at which gaming~~  
18 ~~authorized under Section 7.7 is conducted.~~

19 ~~"Organization gaming license" means a license issued by the~~  
20 ~~Illinois Gaming Board under Section 7.7 of this Act authorizing~~  
21 ~~gaming pursuant to that Section at an organization gaming~~  
22 ~~facility.~~

23 ~~"Organization gaming licensee" means an entity that holds~~  
24 ~~an organization gaming license.~~

25 ~~"Organization licensee" means an entity authorized by the~~  
26 ~~Illinois Racing Board to conduct pari mutuel wagering in~~

1 ~~accordance with the Illinois Horse Racing Act of 1975. With~~  
2 ~~respect only to gaming pursuant to an organization gaming~~  
3 ~~license, "organization licensee" includes the authorization~~  
4 ~~for gaming created under subsection (a) of Section 56 of the~~  
5 ~~Illinois Horse Racing Act of 1975.~~

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 10/5) (from Ch. 120, par. 2405)

8 Sec. 5. Gaming Board.

9 (a) (1) There is hereby established the Illinois Gaming  
10 Board, which shall have the powers and duties specified in this  
11 Act, and all other powers necessary and proper to fully and  
12 effectively execute this Act for the purpose of administering,  
13 regulating, and enforcing the system of riverboat ~~and casino~~  
14 gambling established by this Act ~~and gaming pursuant to an~~  
15 ~~organization gaming license issued under this Act.~~ Its  
16 jurisdiction shall extend under this Act to every person,  
17 association, corporation, partnership and trust involved in  
18 riverboat ~~and casino~~ gambling operations ~~and gaming pursuant to~~  
19 ~~an organization gaming license issued under this Act~~ in the  
20 State of Illinois.

21 (2) The Board shall consist of 5 members to be appointed by  
22 the Governor with the advice and consent of the Senate, one of  
23 whom shall be designated by the Governor to be ~~chairperson~~  
24 chairman. Each member shall have a reasonable knowledge of the  
25 practice, procedure and principles of gambling operations.

1 Each member shall either be a resident of Illinois or shall  
2 certify that he ~~or she~~ will become a resident of Illinois  
3 before taking office.

4 ~~On and after the effective date of this amendatory Act of~~  
5 ~~the 101st General Assembly, new appointees to the Board must~~  
6 ~~include the following:~~

7 ~~(A) One member who has received, at a minimum, a~~  
8 ~~bachelor's degree from an accredited school and at least 10~~  
9 ~~years of verifiable experience in the fields of~~  
10 ~~investigation and law enforcement.~~

11 ~~(B) One member who is a certified public accountant~~  
12 ~~with experience in auditing and with knowledge of complex~~  
13 ~~corporate structures and transactions.~~

14 ~~(C) One member who has 5 years' experience as a~~  
15 ~~principal, senior officer, or director of a company or~~  
16 ~~business with either material responsibility for the daily~~  
17 ~~operations and management of the overall company or~~  
18 ~~business or material responsibility for the policy making~~  
19 ~~of the company or business.~~

20 ~~(D) One member who is an attorney licensed to practice~~  
21 ~~law in Illinois for at least 5 years.~~

22 ~~Notwithstanding any provision of this subsection (a), the~~  
23 ~~requirements of subparagraphs (A) through (D) of this paragraph~~  
24 ~~(2) shall not apply to any person reappointed pursuant to~~  
25 ~~paragraph (3).~~

26 ~~No more than 3 members of the Board may be from the same~~

1 ~~political party. No Board member shall, within a period of one~~  
2 ~~year immediately preceding nomination, have been employed or~~  
3 ~~received compensation or fees for services from a person or~~  
4 ~~entity, or its parent or affiliate, that has engaged in~~  
5 ~~business with the Board, a licensee, or a licensee under the~~  
6 ~~Illinois Horse Racing Act of 1975. Board members must publicly~~  
7 ~~disclose all prior affiliations with gaming interests,~~  
8 ~~including any compensation, fees, bonuses, salaries, and other~~  
9 ~~reimbursement received from a person or entity, or its parent~~  
10 ~~or affiliate, that has engaged in business with the Board, a~~  
11 ~~licensee, or a licensee under the Illinois Horse Racing Act of~~  
12 ~~1975. This disclosure must be made within 30 days after~~  
13 ~~nomination but prior to confirmation by the Senate and must be~~  
14 ~~made available to the members of the Senate. At least one~~  
15 ~~member shall be experienced in law enforcement and criminal~~  
16 ~~investigation, at least one member shall be a certified public~~  
17 ~~accountant experienced in accounting and auditing, and at least~~  
18 ~~one member shall be a lawyer licensed to practice law in~~  
19 ~~Illinois.~~

20 (3) The terms of office of the Board members shall be 3  
21 years, except that the terms of office of the initial Board  
22 members appointed pursuant to this Act will commence from the  
23 effective date of this Act and run as follows: one for a term  
24 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
25 a term ending July 1, 1993. Upon the expiration of the  
26 foregoing terms, the successors of such members shall serve a

1 term for 3 years and until their successors are appointed and  
2 qualified for like terms. Vacancies in the Board shall be  
3 filled for the unexpired term in like manner as original  
4 appointments. Each member of the Board shall be eligible for  
5 reappointment at the discretion of the Governor with the advice  
6 and consent of the Senate.

7 (4) Each member of the Board shall receive \$300 for each  
8 day the Board meets and for each day the member conducts any  
9 hearing pursuant to this Act. Each member of the Board shall  
10 also be reimbursed for all actual and necessary expenses and  
11 disbursements incurred in the execution of official duties.

12 (5) No person shall be appointed a member of the Board or  
13 continue to be a member of the Board who is, or whose spouse,  
14 child or parent is, a member of the board of directors of, or a  
15 person financially interested in, any gambling operation  
16 subject to the jurisdiction of this Board, or any race track,  
17 race meeting, racing association or the operations thereof  
18 subject to the jurisdiction of the Illinois Racing Board. No  
19 Board member shall hold any other public office. No person  
20 shall be a member of the Board who is not of good moral  
21 character or who has been convicted of, or is under indictment  
22 for, a felony under the laws of Illinois or any other state, or  
23 the United States.

24 (5.5) No member of the Board shall engage in any political  
25 activity. For the purposes of this Section, "political" means  
26 any activity in support of or in connection with any campaign



1 for federal, State, or local elective office or any political  
2 organization, but does not include activities (i) relating to  
3 the support or opposition of any executive, legislative, or  
4 administrative action (as those terms are defined in Section 2  
5 of the Lobbyist Registration Act), (ii) relating to collective  
6 bargaining, or (iii) that are otherwise in furtherance of the  
7 person's official State duties or governmental and public  
8 service functions.

9 (6) Any member of the Board may be removed by the Governor  
10 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
11 in office or for engaging in any political activity.

12 (7) Before entering upon the discharge of the duties of his  
13 office, each member of the Board shall take an oath that he  
14 will faithfully execute the duties of his office according to  
15 the laws of the State and the rules and regulations adopted  
16 therewith and shall give bond to the State of Illinois,  
17 approved by the Governor, in the sum of \$25,000. Every such  
18 bond, when duly executed and approved, shall be recorded in the  
19 office of the Secretary of State. Whenever the Governor  
20 determines that the bond of any member of the Board has become  
21 or is likely to become invalid or insufficient, he shall  
22 require such member forthwith to renew his bond, which is to be  
23 approved by the Governor. Any member of the Board who fails to  
24 take oath and give bond within 30 days from the date of his  
25 appointment, or who fails to renew his bond within 30 days  
26 after it is demanded by the Governor, shall be guilty of

1 neglect of duty and may be removed by the Governor. The cost of  
2 any bond given by any member of the Board under this Section  
3 shall be taken to be a part of the necessary expenses of the  
4 Board.

5 (7.5) For the examination of all mechanical,  
6 electromechanical, or electronic table games, slot machines,  
7 slot accounting systems, ~~sports wagering systems,~~ and other  
8 electronic gaming equipment, ~~and the field inspection of such~~  
9 ~~systems, games, and machines,~~ for compliance with this Act, the  
10 Board ~~shall~~ may utilize the services of one or more independent  
11 outside testing laboratories that have been accredited ~~in~~  
12 ~~accordance with ISO/IEC 17025 by an accreditation body that is~~  
13 ~~a signatory to the International Laboratory Accreditation~~  
14 ~~Cooperation Mutual Recognition Agreement signifying they~~ by a  
15 national accreditation body and that, in the judgment of the  
16 Board, are qualified to perform such examinations.  
17 ~~Notwithstanding any law to the contrary, the Board shall~~  
18 ~~consider the licensing of independent outside testing~~  
19 ~~laboratory applicants in accordance with procedures~~  
20 ~~established by the Board by rule. The Board shall not withhold~~  
21 ~~its approval of an independent outside testing laboratory~~  
22 ~~license applicant that has been accredited as required under~~  
23 ~~this paragraph (7.5) and is licensed in gaming jurisdictions~~  
24 ~~comparable to Illinois. Upon the finalization of required~~  
25 ~~rules, the Board shall license independent testing~~  
26 ~~laboratories and accept the test reports of any licensed~~

1 ~~testing laboratory of the system's, game's, or machine~~  
2 ~~manufacturer's choice, notwithstanding the existence of~~  
3 ~~contracts between the Board and any independent testing~~  
4 ~~laboratory.~~

5 (8) The Board shall employ such personnel as may be  
6 necessary to carry out its functions and shall determine the  
7 salaries of all personnel, except those personnel whose  
8 salaries are determined under the terms of a collective  
9 bargaining agreement. No person shall be employed to serve the  
10 Board who is, or whose spouse, parent or child is, an official  
11 of, or has a financial interest in or financial relation with,  
12 any operator engaged in gambling operations within this State  
13 or any organization engaged in conducting horse racing within  
14 this State. ~~For the one year immediately preceding employment,~~  
15 ~~an employee shall not have been employed or received~~  
16 ~~compensation or fees for services from a person or entity, or~~  
17 ~~its parent or affiliate, that has engaged in business with the~~  
18 ~~Board, a licensee, or a licensee under the Illinois Horse~~  
19 ~~Racing Act of 1975.~~ Any employee violating these prohibitions  
20 shall be subject to termination of employment.

21 (9) An Administrator shall perform any and all duties that  
22 the Board shall assign him. The salary of the Administrator  
23 shall be determined by the Board and, in addition, he shall be  
24 reimbursed for all actual and necessary expenses incurred by  
25 him in discharge of his official duties. The Administrator  
26 shall keep records of all proceedings of the Board and shall

1 preserve all records, books, documents and other papers  
2 belonging to the Board or entrusted to its care. The  
3 Administrator shall devote his full time to the duties of the  
4 office and shall not hold any other office or employment.

5 (b) The Board shall have general responsibility for the  
6 implementation of this Act. Its duties include, without  
7 limitation, the following:

8 (1) To decide promptly and in reasonable order all  
9 license applications. Any party aggrieved by an action of  
10 the Board denying, suspending, revoking, restricting or  
11 refusing to renew a license may request a hearing before  
12 the Board. A request for a hearing must be made to the  
13 Board in writing within 5 days after service of notice of  
14 the action of the Board. Notice of the action of the Board  
15 shall be served either by personal delivery or by certified  
16 mail, postage prepaid, to the aggrieved party. Notice  
17 served by certified mail shall be deemed complete on the  
18 business day following the date of such mailing. The Board  
19 shall conduct ~~any such~~ all requested hearings promptly and  
20 in reasonable order;

21 (2) To conduct all hearings pertaining to civil  
22 violations of this Act or rules and regulations promulgated  
23 hereunder;

24 (3) To promulgate such rules and regulations as in its  
25 judgment may be necessary to protect or enhance the  
26 credibility and integrity of gambling operations

1 authorized by this Act and the regulatory process  
2 hereunder;

3 (4) To provide for the establishment and collection of  
4 all license and registration fees and taxes imposed by this  
5 Act and the rules and regulations issued pursuant hereto.  
6 All such fees and taxes shall be deposited into the State  
7 Gaming Fund;

8 (5) To provide for the levy and collection of penalties  
9 and fines for the violation of provisions of this Act and  
10 the rules and regulations promulgated hereunder. All such  
11 fines and penalties shall be deposited into the Education  
12 Assistance Fund, created by Public Act 86-0018, of the  
13 State of Illinois;

14 (6) To be present through its inspectors and agents any  
15 time gambling operations are conducted on any riverboat,~~in~~  
16 ~~any casino, or at any organization gaming facility~~ for the  
17 purpose of certifying the revenue thereof, receiving  
18 complaints from the public, and conducting such other  
19 investigations into the conduct of the gambling games and  
20 the maintenance of the equipment as from time to time the  
21 Board may deem necessary and proper;

22 (7) To review and rule upon any complaint by a licensee  
23 regarding any investigative procedures of the State which  
24 are unnecessarily disruptive of gambling operations. The  
25 need to inspect and investigate shall be presumed at all  
26 times. The disruption of a licensee's operations shall be

1 proved by clear and convincing evidence, and establish  
2 that: (A) the procedures had no reasonable law enforcement  
3 purposes, and (B) the procedures were so disruptive as to  
4 unreasonably inhibit gambling operations;

5 (8) To hold at least one meeting each quarter of the  
6 fiscal year. In addition, special meetings may be called by  
7 the Chairman or any 2 Board members upon 72 hours written  
8 notice to each member. All Board meetings shall be subject  
9 to the Open Meetings Act. Three members of the Board shall  
10 constitute a quorum, and 3 votes shall be required for any  
11 final determination by the Board. The Board shall keep a  
12 complete and accurate record of all its meetings. A  
13 majority of the members of the Board shall constitute a  
14 quorum for the transaction of any business, for the  
15 performance of any duty, or for the exercise of any power  
16 which this Act requires the Board members to transact,  
17 perform or exercise en banc, except that, upon order of the  
18 Board, one of the Board members or an administrative law  
19 judge designated by the Board may conduct any hearing  
20 provided for under this Act or by Board rule and may  
21 recommend findings and decisions to the Board. The Board  
22 member or administrative law judge conducting such hearing  
23 shall have all powers and rights granted to the Board in  
24 this Act. The record made at the time of the hearing shall  
25 be reviewed by the Board, or a majority thereof, and the  
26 findings and decision of the majority of the Board shall

1 constitute the order of the Board in such case;

2 (9) To maintain records which are separate and distinct  
3 from the records of any other State board or commission.  
4 Such records shall be available for public inspection and  
5 shall accurately reflect all Board proceedings;

6 (10) To file a written annual report with the Governor  
7 on or before July 1 each year and such additional reports  
8 as the Governor may request. The annual report shall  
9 include a statement of receipts and disbursements by the  
10 Board, actions taken by the Board, and any additional  
11 information and recommendations which the Board may deem  
12 valuable or which the Governor may request;

13 (11) (Blank);

14 (12) (Blank);

15 (13) To assume responsibility for administration and  
16 enforcement of the Video Gaming Act; and

17 ~~(13.1) To assume responsibility for the administration~~  
18 ~~and enforcement of operations at organization gaming~~  
19 ~~facilities pursuant to this Act and the Illinois Horse~~  
20 ~~Racing Act of 1975;~~

21 ~~(13.2) To assume responsibility for the administration~~  
22 ~~and enforcement of the Sports Wagering Act; and~~

23 (14) To adopt, by rule, a code of conduct governing  
24 Board members and employees that ensure, to the maximum  
25 extent possible, that persons subject to this Code avoid  
26 situations, relationships, or associations that may

1 represent or lead to a conflict of interest.

2 ~~Internal controls and changes submitted by licensees must~~  
3 ~~be reviewed and either approved or denied with cause within 90~~  
4 ~~days after receipt of submission is deemed final by the~~  
5 ~~Illinois Gaming Board. In the event an internal control~~  
6 ~~submission or change does not meet the standards set by the~~  
7 ~~Board, staff of the Board must provide technical assistance to~~  
8 ~~the licensee to rectify such deficiencies within 90 days after~~  
9 ~~the initial submission and the revised submission must be~~  
10 ~~reviewed and approved or denied with cause within 90 days after~~  
11 ~~the date the revised submission is deemed final by the Board.~~  
12 ~~For the purposes of this paragraph, "with cause" means that the~~  
13 ~~approval of the submission would jeopardize the integrity of~~  
14 ~~gaming. In the event the Board staff has not acted within the~~  
15 ~~timeframe, the submission shall be deemed approved.~~

16 (c) The Board shall have jurisdiction over and shall  
17 supervise all gambling operations governed by this Act. The  
18 Board shall have all powers necessary and proper to fully and  
19 effectively execute the provisions of this Act, including, but  
20 not limited to, the following:

21 (1) To investigate applicants and determine the  
22 eligibility of applicants for licenses and to select among  
23 competing applicants the applicants which best serve the  
24 interests of the citizens of Illinois.

25 (2) To have jurisdiction and supervision over all  
26 riverboat gambling operations ~~authorized under this Act in~~ in



1        this State and all persons ~~in places~~ on riverboats where  
2        gambling operations are conducted.

3            (3) To promulgate rules and regulations for the purpose  
4        of administering the provisions of this Act and to  
5        prescribe rules, regulations and conditions under which  
6        all riverboat gambling ~~operations subject to this Act in~~  
7        the State shall be conducted. Such rules and regulations  
8        are to provide for the prevention of practices detrimental  
9        to the public interest and for the best interests of  
10       riverboat gambling, including rules and regulations  
11       regarding the inspection of ~~organization gaming~~  
12       ~~facilities, casinos, and~~ such riverboats, and the review of  
13       any permits or licenses necessary to operate a riverboat,  
14       ~~casino, or organization gaming facility~~ under any laws or  
15       regulations applicable to riverboats, ~~casinos, or~~  
16       ~~organization gaming facilities~~ and to impose penalties for  
17       violations thereof.

18           (4) To enter the office, riverboats, ~~casinos,~~  
19        ~~organization gaming facilities, and other~~ facilities, or  
20        other places of business of a licensee, where evidence of  
21        the compliance or noncompliance with the provisions of this  
22        Act is likely to be found.

23           (5) To investigate alleged violations of this Act or  
24        the rules of the Board and to take appropriate disciplinary  
25        action against a licensee or a holder of an occupational  
26        license for a violation, or institute appropriate legal

1 action for enforcement, or both.

2 (6) To adopt standards for the licensing of all persons  
3 ~~and entities~~ under this Act, as well as for electronic or  
4 mechanical gambling games, and to establish fees for such  
5 licenses.

6 (7) To adopt appropriate standards for all  
7 ~~organization gaming facilities, riverboats, casinos, and~~  
8 ~~other facilities authorized under this Act.~~

9 (8) To require that the records, including financial or  
10 other statements of any licensee under this Act, shall be  
11 kept in such manner as prescribed by the Board and that any  
12 such licensee involved in the ownership or management of  
13 gambling operations submit to the Board an annual balance  
14 sheet and profit and loss statement, list of the  
15 stockholders or other persons having a 1% or greater  
16 beneficial interest in the gambling activities of each  
17 licensee, and any other information the Board deems  
18 necessary in order to effectively administer this Act and  
19 all rules, regulations, orders and final decisions  
20 promulgated under this Act.

21 (9) To conduct hearings, issue subpoenas for the  
22 attendance of witnesses and subpoenas duces tecum for the  
23 production of books, records and other pertinent documents  
24 in accordance with the Illinois Administrative Procedure  
25 Act, and to administer oaths and affirmations to the  
26 witnesses, when, in the judgment of the Board, it is

1 necessary to administer or enforce this Act or the Board  
2 rules.

3 (10) To prescribe a form to be used by any licensee  
4 involved in the ownership or management of gambling  
5 operations as an application for employment for their  
6 employees.

7 (11) To revoke or suspend licenses, as the Board may  
8 see fit and in compliance with applicable laws of the State  
9 regarding administrative procedures, and to review  
10 applications for the renewal of licenses. The Board may  
11 suspend an owners license ~~or an organization gaming~~  
12 ~~license,~~ without notice or hearing upon a determination  
13 that the safety or health of patrons or employees is  
14 jeopardized by continuing a ~~gambling operation conducted~~  
15 ~~under that license~~ riverboat's operation. The suspension  
16 may remain in effect until the Board determines that the  
17 cause for suspension has been abated. The Board may revoke  
18 ~~an~~ the owners license ~~or organization gaming license~~ upon a  
19 determination that the ~~licensee~~ owner has not made  
20 satisfactory progress toward abating the hazard.

21 (12) To eject or exclude or authorize the ejection or  
22 exclusion of, any person from riverboat gambling  
23 facilities where ~~that~~ such person is in violation of this  
24 Act, rules and regulations thereunder, or final orders of  
25 the Board, or where such person's conduct or reputation is  
26 such that his ~~or her~~ presence within the riverboat gambling

1 facilities may, in the opinion of the Board, call into  
2 question the honesty and integrity of the gambling  
3 operations or interfere with ~~the~~ orderly conduct thereof;  
4 provided that the propriety of such ejection or exclusion  
5 is subject to subsequent hearing by the Board.

6 (13) To require all licensees of gambling operations to  
7 utilize a cashless wagering system whereby all players'  
8 money is converted to tokens, electronic cards, or chips  
9 which shall be used only for wagering in the gambling  
10 establishment.

11 (14) (Blank).

12 (15) To suspend, revoke or restrict licenses, to  
13 require the removal of a licensee or an employee of a  
14 licensee for a violation of this Act or a Board rule or for  
15 engaging in a fraudulent practice, and to impose civil  
16 penalties of up to \$5,000 against individuals and up to  
17 \$10,000 or an amount equal to the daily gross receipts,  
18 whichever is larger, against licensees for each violation  
19 of any provision of the Act, any rules adopted by the  
20 Board, any order of the Board or any other action which, in  
21 the Board's discretion, is a detriment or impediment to  
22 riverboat gambling operations.

23 (16) To hire employees to gather information, conduct  
24 investigations and carry out any other tasks contemplated  
25 under this Act.

26 (17) To establish minimum levels of insurance to be

1 maintained by licensees.

2 (18) To authorize a licensee to sell or serve alcoholic  
3 liquors, wine or beer as defined in the Liquor Control Act  
4 of 1934 on board a riverboat ~~or in a casino~~ and to have  
5 exclusive authority to establish the hours for sale and  
6 consumption of alcoholic liquor on board a riverboat ~~or in~~  
7 ~~a casino~~, notwithstanding any provision of the Liquor  
8 Control Act of 1934 or any local ordinance, and regardless  
9 of whether the riverboat makes excursions. The  
10 establishment of the hours for sale and consumption of  
11 alcoholic liquor on board a riverboat ~~or in a casino~~ is an  
12 exclusive power and function of the State. A home rule unit  
13 may not establish the hours for sale and consumption of  
14 alcoholic liquor on board a riverboat ~~or in a casino~~. This  
15 ~~subdivision (18)~~ amendatory Act of 1991 is a denial and  
16 limitation of home rule powers and functions under  
17 subsection (h) of Section 6 of Article VII of the Illinois  
18 Constitution.

19 (19) After consultation with the U.S. Army Corps of  
20 Engineers, to establish binding emergency orders upon the  
21 concurrence of a majority of the members of the Board  
22 regarding the navigability of water, relative to  
23 excursions, in the event of extreme weather conditions,  
24 acts of God or other extreme circumstances.

25 (20) To delegate the execution of any of its powers  
26 under this Act for the purpose of administering and

1 enforcing this Act and ~~the~~ its rules ~~adopted by the Board~~  
2 and regulations hereunder.

3 (20.5) To approve any contract entered into on its  
4 behalf.

5 (20.6) To appoint investigators to conduct  
6 investigations, searches, seizures, arrests, and other  
7 duties imposed under this Act, as deemed necessary by the  
8 Board. These investigators have and may exercise all of the  
9 rights and powers of peace officers, provided that these  
10 powers shall be limited to offenses or violations occurring  
11 or committed ~~in a casino, in an organization gaming~~  
12 ~~facility, or~~ on a riverboat or dock, as defined in  
13 subsections (d) and (f) of Section 4, or as otherwise  
14 provided by this Act or any other law.

15 (20.7) To contract with the Department of State Police  
16 for the use of trained and qualified State police officers  
17 and with the Department of Revenue for the use of trained  
18 and qualified Department of Revenue investigators to  
19 conduct investigations, searches, seizures, arrests, and  
20 other duties imposed under this Act and to exercise all of  
21 the rights and powers of peace officers, provided that the  
22 powers of Department of Revenue investigators under this  
23 subdivision (20.7) shall be limited to offenses or  
24 violations occurring or committed ~~in a casino, in an~~  
25 ~~organization gaming facility, or~~ on a riverboat or dock, as  
26 defined in subsections (d) and (f) of Section 4, or as

1 otherwise provided by this Act or any other law. In the  
2 event the Department of State Police or the Department of  
3 Revenue is unable to fill contracted police or  
4 investigative positions, the Board may appoint  
5 investigators to fill those positions pursuant to  
6 subdivision (20.6).

7 ~~(21) To adopt rules concerning the conduct of gaming~~  
8 ~~pursuant to an organization gaming license issued under~~  
9 ~~this Act.~~

10 ~~(22) To have the same jurisdiction and supervision over~~  
11 ~~casinos and organization gaming facilities as the Board has~~  
12 ~~over riverboats, including, but not limited to, the power~~  
13 ~~to (i) investigate, review, and approve contracts as that~~  
14 ~~power is applied to riverboats, (ii) adopt rules for~~  
15 ~~administering the provisions of this Act, (iii) adopt~~  
16 ~~standards for the licensing of all persons involved with a~~  
17 ~~casino or organization gaming facility, (iv) investigate~~  
18 ~~alleged violations of this Act by any person involved with~~  
19 ~~a casino or organization gaming facility, and (v) require~~  
20 ~~that records, including financial or other statements of~~  
21 ~~any casino or organization gaming facility, shall be kept~~  
22 ~~in such manner as prescribed by the Board.~~

23 ~~(23)~~ (21) To take any other action as may be reasonable  
24 or appropriate to enforce this Act and ~~the rules adopted by~~  
25 ~~the Board~~ and regulations hereunder.

26 (d) The Board may seek and shall receive the cooperation of

1 the Department of State Police in conducting background  
2 investigations of applicants and in fulfilling its  
3 responsibilities under this Section. Costs incurred by the  
4 Department of State Police as a result of such cooperation  
5 shall be paid by the Board in conformance with the requirements  
6 of Section 2605-400 of the Department of State Police Law (20  
7 ILCS 2605/2605-400).

8 (e) The Board must authorize to each investigator and to  
9 any other employee of the Board exercising the powers of a  
10 peace officer a distinct badge that, on its face, (i) clearly  
11 states that the badge is authorized by the Board and (ii)  
12 contains a unique identifying number. No other badge shall be  
13 authorized by the Board.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

16 Sec. 5.1. Disclosure of records.

17 (a) Notwithstanding any applicable statutory provision to  
18 the contrary, the Board shall, on written request from any  
19 person, provide information furnished by an applicant or  
20 licensee concerning the applicant or licensee, his products,  
21 services or gambling enterprises and his business holdings, as  
22 follows:

23 (1) The name, business address and business telephone  
24 number of any applicant or licensee.

25 (2) An identification of any applicant or licensee



1 including, if an applicant or licensee is not an  
2 individual, ~~the names and addresses of all stockholders and~~  
3 ~~directors, if the entity is a corporation; the names and~~  
4 ~~addresses of all members, if the entity is a limited~~  
5 ~~liability company; the names and addresses of all partners,~~  
6 ~~both general and limited, if the entity is a partnership,~~  
7 ~~and the names and addresses of all beneficiaries, if the~~  
8 ~~entity is a trust~~ the state of incorporation or  
9 registration, the corporate officers, and the identity of  
10 all shareholders or participants. If an applicant or  
11 licensee has a pending registration statement filed with  
12 the Securities and Exchange Commission, only the names of  
13 those persons or entities holding interest of 5% or more  
14 must be provided.

15 (3) An identification of any business, including, if  
16 applicable, the state of incorporation or registration, in  
17 which an applicant or licensee or an applicant's or  
18 licensee's spouse or children has an equity interest of  
19 more than 1%. If an applicant or licensee is a corporation,  
20 partnership or other business entity, the applicant or  
21 licensee shall identify any other corporation, partnership  
22 or business entity in which it has an equity interest of 1%  
23 or more, including, if applicable, the state of  
24 incorporation or registration. This information need not  
25 be provided by a corporation, partnership or other business  
26 entity that has a pending registration statement filed with

1 the Securities and Exchange Commission.

2 (4) Whether an applicant or licensee has been indicted,  
3 convicted, pleaded guilty or nolo contendere, or forfeited  
4 bail concerning any criminal offense under the laws of any  
5 jurisdiction, either felony or misdemeanor (except for  
6 traffic violations), including the date, the name and  
7 location of the court, arresting agency and prosecuting  
8 agency, the case number, the offense, the disposition and  
9 the location and length of incarceration.

10 (5) Whether an applicant or licensee has had any  
11 license or certificate issued by a licensing authority in  
12 Illinois or any other jurisdiction denied, restricted,  
13 suspended, revoked or not renewed and a statement  
14 describing the facts and circumstances concerning the  
15 denial, restriction, suspension, revocation or  
16 non-renewal, including the licensing authority, the date  
17 each such action was taken, and the reason for each such  
18 action.

19 (6) Whether an applicant or licensee has ever filed or  
20 had filed against it a proceeding in bankruptcy or has ever  
21 been involved in any formal process to adjust, defer,  
22 suspend or otherwise work out the payment of any debt  
23 including the date of filing, the name and location of the  
24 court, the case and number of the disposition.

25 (7) Whether an applicant or licensee has filed, or been  
26 served with a complaint or other notice filed with any

1 public body, regarding the delinquency in the payment of,  
2 or a dispute over the filings concerning the payment of,  
3 any tax required under federal, State or local law,  
4 including the amount, type of tax, the taxing agency and  
5 time periods involved.

6 (8) A statement listing the names and titles of all  
7 public officials or officers of any unit of government, and  
8 relatives of said public officials or officers who,  
9 directly or indirectly, own any financial interest in, have  
10 any beneficial interest in, are the creditors of or hold  
11 any debt instrument issued by, or hold or have any interest  
12 in any contractual or service relationship with, an  
13 applicant or licensee.

14 (9) Whether an applicant or licensee has made, directly  
15 or indirectly, any political contribution, or any loans,  
16 donations or other payments, to any candidate or office  
17 holder, within 5 years from the date of filing the  
18 application, including the amount and the method of  
19 payment.

20 (10) The name and business telephone number of the  
21 counsel representing an applicant or licensee in matters  
22 before the Board.

23 (11) A description of any proposed or approved ~~gambling~~  
24 riverboat gaming operation, including the type of boat,  
25 home dock, ~~or casino or gaming~~ location, expected economic  
26 benefit to the community, anticipated or actual number of

1 employees, any statement from an applicant or licensee  
2 regarding compliance with federal and State affirmative  
3 action guidelines, projected or actual admissions and  
4 projected or actual adjusted gross gaming receipts.

5 (12) A description of the product or service to be  
6 supplied by an applicant for a supplier's license.

7 (b) Notwithstanding any applicable statutory provision to  
8 the contrary, the Board shall, on written request from any  
9 person, also provide the following information:

10 (1) The amount of the wagering tax and admission tax  
11 paid daily to the State of Illinois by the holder of an  
12 owner's license.

13 (2) Whenever the Board finds an applicant for an  
14 owner's license unsuitable for licensing, a copy of the  
15 written letter outlining the reasons for the denial.

16 (3) Whenever the Board has refused to grant leave for  
17 an applicant to withdraw his application, a copy of the  
18 letter outlining the reasons for the refusal.

19 (c) Subject to the above provisions, the Board shall not  
20 disclose any information which would be barred by:

21 (1) Section 7 of the Freedom of Information Act; or

22 (2) The statutes, rules, regulations or  
23 intergovernmental agreements of any jurisdiction.

24 (d) The Board may assess fees for the copying of  
25 information in accordance with Section 6 of the Freedom of  
26 Information Act.

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 (230 ILCS 10/6) (from Ch. 120, par. 2406)

3 Sec. 6. Application for Owners License.

4 (a) A qualified person may apply to the Board for an owners  
5 license to conduct a riverboat gambling operation as provided  
6 in this Act. The application shall be made on forms provided by  
7 the Board and shall contain such information as the Board  
8 prescribes, including but not limited to the identity of the  
9 riverboat on which such gambling operation is to be conducted,  
10 ~~if applicable,~~ and the exact location where such riverboat ~~or~~  
11 ~~casino~~ will be ~~located~~ docked, a certification that the  
12 riverboat will be registered under this Act at all times during  
13 which gambling operations are conducted on board, detailed  
14 information regarding the ownership and management of the  
15 applicant, and detailed personal information regarding the  
16 applicant. Any application for an owners license to be  
17 re-issued on or after June 1, 2003 shall also include the  
18 applicant's license bid in a form prescribed by the Board.  
19 Information provided on the application shall be used as a  
20 basis for a thorough background investigation which the Board  
21 shall conduct with respect to each applicant. An incomplete  
22 application shall be cause for denial of a license by the  
23 Board.

24 ~~(a-5) In addition to any other information required under~~  
25 ~~this Section, each application for an owners license must~~

1 ~~include the following information:~~

2 ~~(1) The history and success of the applicant and each~~  
3 ~~person and entity disclosed under subsection (c) of this~~  
4 ~~Section in developing tourism facilities ancillary to~~  
5 ~~gaming, if applicable.~~

6 ~~(2) The likelihood that granting a license to the~~  
7 ~~applicant will lead to the creation of quality, living wage~~  
8 ~~jobs and permanent, full time jobs for residents of the~~  
9 ~~State and residents of the unit of local government that is~~  
10 ~~designated as the home dock of the proposed facility where~~  
11 ~~gambling is to be conducted by the applicant.~~

12 ~~(3) The projected number of jobs that would be created~~  
13 ~~if the license is granted and the projected number of new~~  
14 ~~employees at the proposed facility where gambling is to be~~  
15 ~~conducted by the applicant.~~

16 ~~(4) The record, if any, of the applicant and its~~  
17 ~~developer in meeting commitments to local agencies,~~  
18 ~~community based organizations, and employees at other~~  
19 ~~locations where the applicant or its developer has~~  
20 ~~performed similar functions as they would perform if the~~  
21 ~~applicant were granted a license.~~

22 ~~(5) Identification of adverse effects that might be~~  
23 ~~caused by the proposed facility where gambling is to be~~  
24 ~~conducted by the applicant, including the costs of meeting~~  
25 ~~increased demand for public health care, child care, public~~  
26 ~~transportation, affordable housing, and social services,~~

1 ~~and a plan to mitigate those adverse effects.~~

2 ~~(6) The record, if any, of the applicant and its~~  
3 ~~developer regarding compliance with:~~

4 ~~(A) federal, state, and local discrimination, wage~~  
5 ~~and hour, disability, and occupational and~~  
6 ~~environmental health and safety laws; and~~

7 ~~(B) state and local labor relations and employment~~  
8 ~~laws.~~

9 ~~(7) The applicant's record, if any, in dealing with its~~  
10 ~~employees and their representatives at other locations.~~

11 ~~(8) A plan concerning the utilization of~~  
12 ~~minority-owned and women-owned businesses and concerning~~  
13 ~~the hiring of minorities and women.~~

14 ~~(9) Evidence the applicant used its best efforts to~~  
15 ~~reach a goal of 25% ownership representation by minority~~  
16 ~~persons and 5% ownership representation by women.~~

17 (b) Applicants shall submit with their application all  
18 documents, resolutions, and letters of support from the  
19 governing body that represents the municipality or county  
20 wherein the licensee will ~~be located~~ dock.

21 (c) Each applicant shall disclose the identity of every  
22 person ~~or entity~~ , association, trust or corporation having a  
23 greater than 1% direct or indirect pecuniary interest in the  
24 riverboat gambling operation with respect to which the license  
25 is sought. If the disclosed entity is a trust, the application  
26 shall disclose the names and addresses of ~~all~~ the

1 beneficiaries; if a corporation, the names and addresses of all  
2 stockholders and directors; if a partnership, the names and  
3 addresses of all partners, both general and limited.

4 (d) An application shall be filed and considered in  
5 accordance with the rules of the Board. ~~Each application shall~~  
6 ~~be accompanied by a nonrefundable~~ An application fee of  
7 ~~\$250,000. In addition, a nonrefundable fee of~~ \$50,000 shall be  
8 paid at the time of filing to defray the costs associated with  
9 the background investigation conducted by the Board. If the  
10 costs of the investigation exceed \$50,000, the applicant shall  
11 pay the additional amount to the Board ~~within 7 days after~~  
12 ~~requested by the Board~~. If the costs of the investigation are  
13 less than \$50,000, the applicant shall receive a refund of the  
14 remaining amount. All information, records, interviews,  
15 reports, statements, memoranda or other data supplied to or  
16 used by the Board in the course of its review or investigation  
17 of an application for a license or a renewal under this Act  
18 shall be privileged, strictly confidential and shall be used  
19 only for the purpose of evaluating an applicant for a license  
20 or a renewal. Such information, records, interviews, reports,  
21 statements, memoranda or other data shall not be admissible as  
22 evidence, nor discoverable in any action of any kind in any  
23 court or before any tribunal, board, agency or person, except  
24 for any action deemed necessary by the Board. ~~The application~~  
25 ~~fee shall be deposited into the State Gaming Fund.~~

26 (e) The Board shall charge each applicant a fee set by the



1 Department of State Police to defray the costs associated with  
2 the search and classification of fingerprints obtained by the  
3 Board with respect to the applicant's application. These fees  
4 shall be paid into the State Police Services Fund. ~~In order to~~  
5 ~~expedite the application process, the Board may establish rules~~  
6 ~~allowing applicants to acquire criminal background checks and~~  
7 ~~financial integrity reviews as part of the initial application~~  
8 ~~process from a list of vendors approved by the Board.~~

9 (f) The licensed owner shall be the person primarily  
10 responsible for the boat ~~or casino~~ itself. Only one riverboat  
11 gambling operation may be authorized by the Board on any  
12 riverboat ~~or in any casino~~. The applicant must identify ~~the~~  
13 each riverboat ~~or premises~~ it intends to use and certify that  
14 the riverboat ~~or premises~~: (1) has the authorized capacity  
15 required in this Act; (2) is accessible to persons with  
16 disabilities; and (3) is fully registered and licensed in  
17 accordance with any applicable laws.

18 (g) A person who knowingly makes a false statement on an  
19 application is guilty of a Class A misdemeanor.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/7) (from Ch. 120, par. 2407)

22 Sec. 7. Owners licenses.

23 (a) The Board shall issue owners licenses to persons ~~or~~  
24 ~~entities that,~~ firms or corporations which apply for such  
25 licenses upon payment to the Board of the non-refundable

1 license fee ~~as provided in subsection (c) or (c-5)~~ set by the  
2 Board, upon payment of a \$25,000 license fee for the first year  
3 of operation and a \$5,000 license fee for each succeeding year  
4 and upon a determination by the Board that the applicant is  
5 eligible for an owners license pursuant to this Act and the  
6 rules of the Board. From the effective date of this amendatory  
7 Act of the 95th General Assembly until (i) 3 years after the  
8 effective date of this amendatory Act of the 95th General  
9 Assembly, (ii) the date any organization licensee begins to  
10 operate a slot machine or video game of chance under the  
11 Illinois Horse Racing Act of 1975 or this Act, (iii) the date  
12 that payments begin under subsection (c-5) of Section 13 of the  
13 Act, or (iv) the wagering tax imposed under Section 13 of this  
14 Act is increased by law to reflect a tax rate that is at least  
15 as stringent or more stringent than the tax rate contained in  
16 subsection (a-3) of Section 13, ~~or (v) when an owners licensee~~  
17 ~~holding a license issued pursuant to Section 7.1 of this Act~~  
18 ~~begins conducting gaming,~~ whichever occurs first, as a  
19 condition of licensure and as an alternative source of payment  
20 for those funds payable under subsection (c-5) of Section 13 of  
21 ~~this~~ the Riverboat Gambling Act, any owners licensee that holds  
22 or receives its owners license on or after the effective date  
23 of this amendatory Act of the 94th General Assembly, other than  
24 an owners licensee operating a riverboat with adjusted gross  
25 receipts in calendar year 2004 of less than \$200,000,000, must  
26 pay into the Horse Racing Equity Trust Fund, in addition to any

1 other payments required under this Act, an amount equal to 3%  
2 of the adjusted gross receipts received by the owners licensee.  
3 The payments required under this Section shall be made by the  
4 owners licensee to the State Treasurer no later than 3:00  
5 o'clock p.m. of the day after the day when the adjusted gross  
6 receipts were received by the owners licensee. A person, firm  
7 or ~~entity~~ corporation is ineligible to receive an owners  
8 license if:

9 (1) the person has been convicted of a felony under the  
10 laws of this State, any other state, or the United States;

11 (2) the person has been convicted of any violation of  
12 Article 28 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012, or substantially similar laws of any other  
14 jurisdiction;

15 (3) the person has submitted an application for a  
16 license under this Act which contains false information;

17 (4) the person is a member of the Board;

18 (5) a person defined in (1), (2), (3) or (4) is an  
19 officer, director or managerial employee of the ~~entity~~ firm  
20 or corporation;

21 (6) the ~~entity~~ firm or corporation employs a person  
22 defined in (1), (2), (3) or (4) who participates in the  
23 management or operation of gambling operations authorized  
24 under this Act;

25 (7) (blank); or

26 (8) a license of the person ~~or entity~~, firm or

1        corporation issued under this Act, or a license to own or  
2        operate gambling facilities in any other jurisdiction, has  
3        been revoked.

4        The Board is expressly prohibited from making changes to  
5        the requirement that licensees make payment into the Horse  
6        Racing Equity Trust Fund without the express authority of the  
7        Illinois General Assembly and making any other rule to  
8        implement or interpret this amendatory Act of the 95th General  
9        Assembly. For the purposes of this paragraph, "rules" is given  
10       the meaning given to that term in Section 1-70 of the Illinois  
11       Administrative Procedure Act.

12       (b) In determining whether to grant an owners license to an  
13       applicant, the Board shall consider:

14           (1) the character, reputation, experience and  
15           financial integrity of the applicants and of any other or  
16           separate person that either:

17                (A) controls, directly or indirectly, such  
18                applicant, or

19                (B) is controlled, directly or indirectly, by such  
20                applicant or by a person which controls, directly or  
21                indirectly, such applicant;

22           (2) the facilities or proposed facilities for the  
23           conduct of riverboat gambling;

24           (3) the highest prospective total revenue to be derived  
25           by the State from the conduct of riverboat gambling;

26           (4) the extent to which the ownership of the applicant

1 reflects the diversity of the State by including minority  
2 persons, women, and persons with a disability and the good  
3 faith affirmative action plan of each applicant to recruit,  
4 train and upgrade minority persons, women, and persons with  
5 a disability in all employment classifications; ~~the Board~~  
6 ~~shall further consider granting an owners license and~~  
7 ~~giving preference to an applicant under this Section to~~  
8 ~~applicants in which minority persons and women hold~~  
9 ~~ownership interest of at least 16% and 4%, respectively.~~

10 (4.5) the extent to which the ownership of the  
11 applicant includes veterans of service in the armed forces  
12 of the United States, and the good faith affirmative action  
13 plan of each applicant to recruit, train, and upgrade  
14 veterans of service in the armed forces of the United  
15 States in all employment classifications;

16 (5) the financial ability of the applicant to purchase  
17 and maintain adequate liability and casualty insurance;

18 (6) whether the applicant has adequate capitalization  
19 to provide and maintain, for the duration of a license, a  
20 riverboat ~~or casino~~;

21 (7) the extent to which the applicant exceeds or meets  
22 other standards for the issuance of an owners license which  
23 the Board may adopt by rule; and

24 (8) ~~the~~ The amount of the applicant's license bid ~~.~~

25 ~~(9) the extent to which the applicant or the proposed~~  
26 ~~host municipality plans to enter into revenue sharing~~

1 ~~agreements with communities other than the host~~  
2 ~~municipality; and~~

3 ~~(10) the extent to which the ownership of an applicant~~  
4 ~~includes the most qualified number of minority persons,~~  
5 ~~women, and persons with a disability.~~

6 (c) Each owners license shall specify the place where ~~the~~  
7 ~~casino riverboats shall operate or the riverboat shall operate~~  
8 and dock.

9 (d) Each applicant shall submit with his application, on  
10 forms provided by the Board, 2 sets of his fingerprints.

11 ~~(e) In addition to any licenses authorized under subsection~~  
12 ~~(c-5) of this Section, the The Board may issue up to 10~~  
13 licenses authorizing the holders of such licenses to own  
14 riverboats. In the application for an owners license, the  
15 applicant shall state the dock at which the riverboat is based  
16 and the water on which the riverboat will be located. The Board  
17 shall issue 5 licenses to become effective not earlier than  
18 January 1, 1991. Three of such licenses shall authorize  
19 riverboat gambling on the Mississippi River, or, with approval  
20 by the municipality in which the riverboat was docked on August  
21 7, 2003 and with Board approval, be authorized to relocate to a  
22 new location, in a municipality that (1) borders on the  
23 Mississippi River or is within 5 miles of the city limits of a  
24 municipality that borders on the Mississippi River and (2), on  
25 August 7, 2003, had a riverboat conducting riverboat gambling  
26 operations pursuant to a license issued under this Act; one of

1 which shall authorize riverboat gambling from a home dock in  
2 the city of East St. Louis; ~~and one of which shall authorize~~  
3 ~~riverboat gambling from a home dock in the City of Alton.~~ One  
4 other license shall authorize riverboat gambling on the  
5 Illinois River ~~in the City of East Peoria or, with Board~~  
6 ~~approval, shall authorize land based gambling operations~~  
7 ~~anywhere within the corporate limits of the City of Peoria~~  
8 south of Marshall County. The Board shall issue one additional  
9 license to become effective not earlier than March 1, 1992,  
10 which shall authorize riverboat gambling on the Des Plaines  
11 River in Will County. The Board may issue 4 additional licenses  
12 to become effective not earlier than March 1, 1992. In  
13 determining the water upon which riverboats will operate, the  
14 Board shall consider the economic benefit which riverboat  
15 gambling confers on the State, and shall seek to assure that  
16 all regions of the State share in the economic benefits of  
17 riverboat gambling.

18 In granting all licenses, the Board may give favorable  
19 consideration to economically depressed areas of the State, to  
20 applicants presenting plans which provide for significant  
21 economic development over a large geographic area, and to  
22 applicants who currently operate non-gambling riverboats in  
23 Illinois. The Board shall review all applications for owners  
24 licenses, and shall inform each applicant of the Board's  
25 decision. The Board may grant an owners license to an applicant  
26 that has not submitted the highest license bid, but if it does

1 not select the highest bidder, the Board shall issue a written  
2 decision explaining why another applicant was selected and  
3 identifying the factors set forth in this Section that favored  
4 the winning bidder. ~~The fee for issuance or renewal of a~~  
5 ~~license pursuant to this subsection (c) shall be \$250,000.~~

6 ~~(c 5) In addition to licenses authorized under subsection~~  
7 ~~(c) of this Section:~~

8 ~~(1) the Board may issue one owners license authorizing~~  
9 ~~the conduct of casino gambling in the City of Chicago;~~

10 ~~(2) the Board may issue one owners license authorizing~~  
11 ~~the conduct of riverboat gambling in the City of Danville;~~

12 ~~(3) the Board may issue one owners license authorizing~~  
13 ~~the conduct of riverboat gambling located in the City of~~  
14 ~~Waukegan;~~

15 ~~(4) the Board may issue one owners license authorizing~~  
16 ~~the conduct of riverboat gambling in the City of Rockford;~~

17 ~~(5) the Board may issue one owners license authorizing~~  
18 ~~the conduct of riverboat gambling in a municipality that is~~  
19 ~~wholly or partially located in one of the following~~  
20 ~~townships of Cook County: Bloom, Bremen, Calumet, Rich,~~  
21 ~~Thornton, or Worth Township; and~~

22 ~~(6) the Board may issue one owners license authorizing~~  
23 ~~the conduct of riverboat gambling in the unincorporated~~  
24 ~~area of Williamson County adjacent to the Big Muddy River.~~

25 ~~Except for the license authorized under paragraph (1), each~~  
26 ~~application for a license pursuant to this subsection (c 5)~~



1 ~~shall be submitted to the Board no later than 120 days after~~  
2 ~~the effective date of this amendatory Act of the 101st General~~  
3 ~~Assembly. All applications for a license under this subsection~~  
4 ~~(c 5) shall include the nonrefundable application fee and the~~  
5 ~~nonrefundable background investigation fee as provided in~~  
6 ~~subsection (d) of Section 6 of this Act. In the event that an~~  
7 ~~applicant submits an application for a license pursuant to this~~  
8 ~~subsection (c 5) prior to the effective date of this amendatory~~  
9 ~~Act of the 101st General Assembly, such applicant shall submit~~  
10 ~~the nonrefundable application fee and background investigation~~  
11 ~~fee as provided in subsection (d) of Section 6 of this Act no~~  
12 ~~later than 6 months after the effective date of this amendatory~~  
13 ~~Act of the 101st General Assembly.~~

14 ~~The Board shall consider issuing a license pursuant to~~  
15 ~~paragraphs (1) through (6) of this subsection only after the~~  
16 ~~corporate authority of the municipality or the county board of~~  
17 ~~the county in which the riverboat or casino shall be located~~  
18 ~~has certified to the Board the following:~~

19 ~~(i) that the applicant has negotiated with the~~  
20 ~~corporate authority or county board in good faith;~~

21 ~~(ii) that the applicant and the corporate authority or~~  
22 ~~county board have mutually agreed on the permanent location~~  
23 ~~of the riverboat or casino;~~

24 ~~(iii) that the applicant and the corporate authority or~~  
25 ~~county board have mutually agreed on the temporary location~~  
26 ~~of the riverboat or casino;~~

1           ~~(iv) that the applicant and the corporate authority or~~  
2           ~~the county board have mutually agreed on the percentage of~~  
3           ~~revenues that will be shared with the municipality or~~  
4           ~~county, if any;~~

5           ~~(v) that the applicant and the corporate authority or~~  
6           ~~county board have mutually agreed on any zoning, licensing,~~  
7           ~~public health, or other issues that are within the~~  
8           ~~jurisdiction of the municipality or county; and~~

9           ~~(vi) that the corporate authority or county board has~~  
10           ~~passed a resolution or ordinance in support of the~~  
11           ~~riverboat or casino in the municipality or county.~~

12           ~~At least 7 days before the corporate authority of a~~  
13           ~~municipality or county board of the county submits a~~  
14           ~~certification to the Board concerning items (i) through (vi) of~~  
15           ~~this subsection, it shall hold a public hearing to discuss~~  
16           ~~items (i) through (vi), as well as any other details concerning~~  
17           ~~the proposed riverboat or casino in the municipality or county.~~  
18           ~~The corporate authority or county board must subsequently~~  
19           ~~memorialize the details concerning the proposed riverboat or~~  
20           ~~casino in a resolution that must be adopted by a majority of~~  
21           ~~the corporate authority or county board before any~~  
22           ~~certification is sent to the Board. The Board shall not alter,~~  
23           ~~amend, change, or otherwise interfere with any agreement~~  
24           ~~between the applicant and the corporate authority of the~~  
25           ~~municipality or county board of the county regarding the~~  
26           ~~location of any temporary or permanent facility.~~

1       ~~In addition, within 10 days after the effective date of~~  
2 ~~this amendatory Act of the 101st General Assembly, the Board,~~  
3 ~~with consent and at the expense of the City of Chicago, shall~~  
4 ~~select and retain the services of a nationally recognized~~  
5 ~~casino gaming feasibility consultant. Within 45 days after the~~  
6 ~~effective date of this amendatory Act of the 101st General~~  
7 ~~Assembly, the consultant shall prepare and deliver to the Board~~  
8 ~~a study concerning the feasibility of, and the ability to~~  
9 ~~finance, a casino in the City of Chicago. The feasibility study~~  
10 ~~shall be delivered to the Mayor of the City of Chicago, the~~  
11 ~~Governor, the President of the Senate, and the Speaker of the~~  
12 ~~House of Representatives. Ninety days after receipt of the~~  
13 ~~feasibility study, the Board shall make a determination, based~~  
14 ~~on the results of the feasibility study, whether to recommend~~  
15 ~~to the General Assembly that the terms of the license under~~  
16 ~~paragraph (1) of this subsection (e 5) should be modified. The~~  
17 ~~Board may begin accepting applications for the owners license~~  
18 ~~under paragraph (1) of this subsection (e 5) upon the~~  
19 ~~determination to issue such an owners license.~~

20       ~~In addition, prior to the Board issuing the owners license~~  
21 ~~authorized under paragraph (4) of subsection (e 5), an impact~~  
22 ~~study shall be completed to determine what location in the city~~  
23 ~~will provide the greater impact to the region, including the~~  
24 ~~creation of jobs and the generation of tax revenue.~~

25       ~~(e-10) The licenses authorized under subsection (e-5) of~~  
26 ~~this Section shall be issued within 12 months after the date~~

1 ~~the license application is submitted. If the Board does not~~  
2 ~~issue the licenses within that time period, then the Board~~  
3 ~~shall give a written explanation to the applicant as to why it~~  
4 ~~has not reached a determination and when it reasonably expects~~  
5 ~~to make a determination. The fee for the issuance or renewal of~~  
6 ~~a license issued pursuant to this subsection (c 10) shall be~~  
7 ~~\$250,000. Additionally, a licensee located outside of Cook~~  
8 ~~County shall pay a minimum initial fee of \$17,500 per gaming~~  
9 ~~position, and a licensee located in Cook County shall pay a~~  
10 ~~minimum initial fee of \$30,000 per gaming position. The initial~~  
11 ~~fees payable under this subsection (c-10) shall be deposited~~  
12 ~~into the Rebuild Illinois Projects Fund.~~

13 ~~(c-15) Each licensee of a license authorized under~~  
14 ~~subsection (c-5) of this Section shall make a reconciliation~~  
15 ~~payment 3 years after the date the licensee begins operating in~~  
16 ~~an amount equal to 75% of the adjusted gross receipts for the~~  
17 ~~most lucrative 12 month period of operations, minus an amount~~  
18 ~~equal to the initial payment per gaming position paid by the~~  
19 ~~specific licensee. Each licensee shall pay a \$15,000,000~~  
20 ~~reconciliation fee upon issuance of an owners license. If this~~  
21 ~~calculation results in a negative amount, then the licensee is~~  
22 ~~not entitled to any reimbursement of fees previously paid. This~~  
23 ~~reconciliation payment may be made in installments over a~~  
24 ~~period of no more than 2 years, subject to Board approval. Any~~  
25 ~~installment payments shall include an annual market interest~~  
26 ~~rate as determined by the Board. All payments by licensees~~

1 ~~under this subsection (e-15) shall be deposited into the~~  
2 ~~Rebuild Illinois Projects Fund.~~

3 ~~(e-20)~~ In addition to any other revocation powers granted  
4 to the Board under this Act, the Board may revoke the owners  
5 license of a licensee which fails to begin conducting gambling  
6 within 15 months of receipt of the Board's approval of the  
7 application if the Board determines that license revocation is  
8 in the best interests of the State.

9 (f) The first 10 owners licenses issued under this Act  
10 shall permit the holder to own up to 2 riverboats and equipment  
11 thereon for a period of 3 years after the effective date of the  
12 license. Holders of the first 10 owners licenses must pay the  
13 annual license fee for each of the 3 years during which they  
14 are authorized to own riverboats.

15 (g) Upon the termination, expiration, or revocation of each  
16 of the first 10 licenses, which shall be issued for a 3 year  
17 period, all licenses are renewable annually upon payment of the  
18 fee and a determination by the Board that the licensee  
19 continues to meet all of the requirements of this Act and the  
20 Board's rules. However, for licenses renewed on or after May 1,  
21 1998, renewal shall be for a period of 4 years, unless the  
22 Board sets a shorter period.

23 (h) An owners license, ~~except for an owners license issued~~  
24 ~~under subsection (e-5) of this Section,~~ shall entitle the  
25 licensee to own up to 2 riverboats.

26 ~~An owners licensee of a casino or riverboat that is located~~

1 ~~in the City of Chicago pursuant to paragraph (1) of subsection~~  
2 ~~(c-5) of this Section shall limit the number of gaming~~  
3 ~~positions to 4,000 for such owner. An owners licensee~~  
4 ~~authorized under subsection (c) or paragraph (2), (3), (4), or~~  
5 ~~(5) of subsection (c-5) of this Section shall limit the number~~  
6 ~~of gaming positions to 2,000 for any such owners license. An~~  
7 ~~owners licensee authorized under paragraph (6) of subsection~~  
8 ~~(c-5) of this Section~~ A licensee shall limit the number of  
9 gaming positions gambling participants to 1,200 for any such  
10 owner. ~~The initial fee for each gaming position obtained on or~~  
11 ~~after the effective date of this amendatory Act of the 101st~~  
12 ~~General Assembly shall be a minimum of \$17,500 for licensees~~  
13 ~~not located in Cook County and a minimum of \$30,000 for~~  
14 ~~licensees located in Cook County, in addition to the~~  
15 ~~reconciliation payment, as set forth in subsection (c-15) of~~  
16 ~~this Section~~ owners license. ~~The fees under this subsection (h)~~  
17 ~~shall be deposited into the Rebuild Illinois Projects Fund. The~~  
18 ~~fees under this subsection (h) that are paid by an owners~~  
19 ~~licensee authorized under subsection (c) shall be paid by July~~  
20 ~~1, 2020.~~

21 ~~Each owners licensee under subsection (c) of this Section~~  
22 ~~shall reserve its gaming positions within 30 days after the~~  
23 ~~effective date of this amendatory Act of the 101st General~~  
24 ~~Assembly. The Board may grant an extension to this 30-day~~  
25 ~~period, provided that the owners licensee submits a written~~  
26 ~~request and explanation as to why it is unable to reserve its~~

1 ~~positions within the 30 day period.~~

2 ~~Each owners licensee under subsection (c-5) of this~~  
3 ~~Section shall reserve its gaming positions within 30 days after~~  
4 ~~issuance of its owners license. The Board may grant an~~  
5 ~~extension to this 30 day period, provided that the owners~~  
6 ~~licensee submits a written request and explanation as to why it~~  
7 ~~is unable to reserve its positions within the 30 day period.~~

8 A licensee may operate both of its riverboats concurrently,  
9 provided that the total number of ~~gaming positions~~ gambling  
10 participants on both riverboats does not exceed ~~the limit~~  
11 ~~established pursuant to this subsection~~ 1,200. Riverboats  
12 licensed to operate on the Mississippi River and the Illinois  
13 River south of Marshall County shall have an authorized  
14 capacity of at least 500 persons. Any other riverboat licensed  
15 under this Act shall have an authorized capacity of at least  
16 400 persons.

17 ~~(h-5) An owners licensee who conducted gambling operations~~  
18 ~~prior to January 1, 2012 and obtains positions pursuant to this~~  
19 ~~amendatory Act of the 101st General Assembly shall make a~~  
20 ~~reconciliation payment 3 years after any additional gaming~~  
21 ~~positions begin operating in an amount equal to 75% of the~~  
22 ~~owners licensee's average gross receipts for the most lucrative~~  
23 ~~12-month period of operations minus an amount equal to the~~  
24 ~~initial fee that the owners licensee paid per additional gaming~~  
25 ~~position. For purposes of this subsection (h-5), "average gross~~  
26 ~~receipts" means (i) the increase in adjusted gross receipts for~~

1 ~~the most lucrative 12-month period of operations over the~~  
2 ~~adjusted gross receipts for 2019, multiplied by (ii) the~~  
3 ~~percentage derived by dividing the number of additional gaming~~  
4 ~~positions that an owners licensee had obtained by the total~~  
5 ~~number of gaming positions operated by the owners licensee. If~~  
6 ~~this calculation results in a negative amount, then the owners~~  
7 ~~licensee is not entitled to any reimbursement of fees~~  
8 ~~previously paid. This reconciliation payment may be made in~~  
9 ~~installments over a period of no more than 2 years, subject to~~  
10 ~~Board approval. Any installment payments shall include an~~  
11 ~~annual market interest rate as determined by the Board. These~~  
12 ~~reconciliation payments shall be deposited into the Rebuild~~  
13 ~~Illinois Projects Fund.~~

14 (i) A licensed owner is authorized to apply to the Board  
15 for and, if approved therefor, to receive all licenses from the  
16 Board necessary for the operation of a riverboat ~~or casino,~~  
17 including a liquor license, a license to prepare and serve food  
18 for human consumption, and other necessary licenses. All use,  
19 occupation and excise taxes which apply to the sale of food and  
20 beverages in this State and all taxes imposed on the sale or  
21 use of tangible personal property apply to such sales aboard  
22 the riverboat ~~or in the casino.~~

23 (j) The Board may issue or re-issue a license authorizing a  
24 riverboat to dock in a municipality or approve a relocation  
25 under Section 11.2 only if, prior to the issuance or  
26 re-issuance of the license or approval, the governing body of



1 the municipality in which the riverboat will dock has by a  
2 majority vote approved the docking of riverboats in the  
3 municipality. The Board may issue or re-issue a license  
4 authorizing a riverboat to dock in areas of a county outside  
5 any municipality or approve a relocation under Section 11.2  
6 only if, prior to the issuance or re-issuance of the license or  
7 approval, the governing body of the county has by a majority  
8 vote approved of the docking of riverboats within such areas.

9 ~~(k) An owners licensee may conduct land based gambling~~  
10 ~~operations upon approval by the Board and payment of a fee of~~  
11 ~~\$250,000, which shall be deposited into the State Gaming Fund.~~

12 ~~(l) An owners licensee may conduct gaming at a temporary~~  
13 ~~facility pending the construction of a permanent facility or~~  
14 ~~the remodeling or relocation of an existing facility to~~  
15 ~~accommodate gaming participants for up to 24 months after the~~  
16 ~~temporary facility begins to conduct gaming. Upon request by an~~  
17 ~~owners licensee and upon a showing of good cause by the owners~~  
18 ~~licensee, the Board shall extend the period during which the~~  
19 ~~licensee may conduct gaming at a temporary facility by up to 12~~  
20 ~~months. The Board shall make rules concerning the conduct of~~  
21 ~~gaming from temporary facilities.~~

22 (Source: P.A. 101-31, eff. 6-28-19.)

23 (230 ILCS 10/7.3)

24 Sec. 7.3. State conduct of gambling operations.

25 (a) If, after reviewing each application for a re-issued

1 license, the Board determines that the highest prospective  
2 total revenue to the State would be derived from State conduct  
3 of the gambling operation in lieu of re-issuing the license,  
4 the Board shall inform each applicant of its decision. The  
5 Board shall thereafter have the authority, without obtaining an  
6 owners license, to conduct ~~casino or~~ riverboat gambling  
7 operations as previously authorized by the terminated,  
8 expired, revoked, or nonrenewed license through a licensed  
9 manager selected pursuant to an open and competitive bidding  
10 process as set forth in Section 7.5 and as provided in Section  
11 7.4.

12 (b) The Board may locate any ~~casino or~~ riverboat on which a  
13 gambling operation is conducted by the State in any home dock  
14 ~~or other~~ location authorized by Section 3(c) upon receipt of  
15 approval from a majority vote of the governing body of the  
16 municipality or county, as the case may be, in which the  
17 riverboat will dock.

18 (c) The Board shall have jurisdiction over and shall  
19 supervise all gambling operations conducted by the State  
20 provided for in this Act and shall have all powers necessary  
21 and proper to fully and effectively execute the provisions of  
22 this Act relating to gambling operations conducted by the  
23 State.

24 (d) The maximum number of owners licenses authorized under  
25 Section ~~7~~ 7(e) shall be reduced by one for each instance in  
26 which the Board authorizes the State to conduct a ~~casino or~~

1 riverboat gambling operation under subsection (a) in lieu of  
2 re-issuing a license to an applicant under Section 7.1.

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 (230 ILCS 10/7.5)

5 Sec. 7.5. Competitive Bidding. When the Board determines  
6 that ~~(i)~~ it will re-issue an owners license pursuant to an open  
7 and competitive bidding process, as set forth in Section 7.1,  
8 ~~(ii)~~ or that it will issue a managers license pursuant to an  
9 open and competitive bidding process, as set forth in Section  
10 7.4, ~~or (iii) it will issue an owners license pursuant to an~~  
11 ~~open and competitive bidding process, as set forth in Section~~  
12 ~~7.12,~~ the open and competitive bidding process shall adhere to  
13 the following procedures:

14 (1) The Board shall make applications for owners and  
15 managers licenses available to the public and allow a  
16 reasonable time for applicants to submit applications to the  
17 Board.

18 (2) During the filing period for owners or managers license  
19 applications, the Board may retain the services of an  
20 investment banking firm to assist the Board in conducting the  
21 open and competitive bidding process.

22 (3) After receiving all of the bid proposals, the Board  
23 shall open all of the proposals in a public forum and disclose  
24 the prospective owners or managers names, venture partners, if  
25 any, and, in the case of applicants for owners licenses, the

1 locations of the proposed development sites.

2 (4) The Board shall summarize the terms of the proposals  
3 and may make this summary available to the public.

4 (5) The Board shall evaluate the proposals within a  
5 reasonable time and select no more than 3 final applicants to  
6 make presentations of their proposals to the Board.

7 (6) The final applicants shall make their presentations to  
8 the Board on the same day during an open session of the Board.

9 (7) As soon as practicable after the public presentations  
10 by the final applicants, the Board, in its discretion, may  
11 conduct further negotiations among the 3 final applicants.  
12 During such negotiations, each final applicant may increase its  
13 license bid or otherwise enhance its bid proposal. At the  
14 conclusion of such negotiations, the Board shall select the  
15 winning proposal. In the case of negotiations for an owners  
16 license, the Board may, at the conclusion of such negotiations,  
17 make the determination allowed under Section 7.3(a).

18 (8) Upon selection of a winning bid, the Board shall  
19 evaluate the winning bid within a reasonable period of time for  
20 licensee suitability in accordance with all applicable  
21 statutory and regulatory criteria.

22 (9) If the winning bidder is unable or otherwise fails to  
23 consummate the transaction, (including if the Board determines  
24 that the winning bidder does not satisfy the suitability  
25 requirements), the Board may, on the same criteria, select from  
26 the remaining bidders or make the determination allowed under

1 Section 7.3(a).

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (230 ILCS 10/8) (from Ch. 120, par. 2408)

4 Sec. 8. Suppliers licenses.

5 (a) The Board may issue a suppliers license to such  
6 persons, firms or corporations which apply therefor upon the  
7 payment of a non-refundable application fee set by the Board,  
8 upon a determination by the Board that the applicant is  
9 eligible for a suppliers license and upon payment of a \$5,000  
10 annual license fee.

11 (b) The holder of a suppliers license is authorized to sell  
12 or lease, and to contract to sell or lease, gambling equipment  
13 and supplies to any licensee involved in the ownership or  
14 management of gambling operations.

15 (c) Gambling supplies and equipment may not be distributed  
16 unless supplies and equipment conform to standards adopted by  
17 rules of the Board.

18 (d) A person, firm or corporation is ineligible to receive  
19 a suppliers license if:

20 (1) the person has been convicted of a felony under the  
21 laws of this State, any other state, or the United States;

22 (2) the person has been convicted of any violation of  
23 Article 28 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012, or substantially similar laws of any other  
25 jurisdiction;

1           (3) the person has submitted an application for a  
2 license under this Act which contains false information;

3           (4) the person is a member of the Board;

4           (5) the ~~entity~~ firm or corporation is one in which a  
5 person defined in (1), (2), (3) or (4), is an officer,  
6 director or managerial employee;

7           (6) the firm or corporation employs a person who  
8 participates in the management or operation of riverboat  
9 gambling authorized under this Act;

10           (7) the license of the person, firm or corporation  
11 issued under this Act, or a license to own or operate  
12 gambling facilities in any other jurisdiction, has been  
13 revoked.

14           (e) Any person that supplies any equipment, devices, or  
15 supplies to a licensed riverboat gambling operation must first  
16 obtain a suppliers license. A supplier shall furnish to the  
17 Board a list of all equipment, devices and supplies offered for  
18 sale or lease in connection with gambling games authorized  
19 under this Act. A supplier shall keep books and records for the  
20 furnishing of equipment, devices and supplies to gambling  
21 operations separate and distinct from any other business that  
22 the supplier might operate. A supplier shall file a quarterly  
23 return with the Board listing all sales and leases. A supplier  
24 shall permanently affix its name or a distinctive logo or other  
25 mark or design element identifying the manufacturer or supplier  
26 to all its equipment, devices, and supplies, except gaming

1 chips without a value impressed, engraved, or imprinted on it,  
2 for gambling operations. The Board may waive this requirement  
3 for any specific product or products if it determines that the  
4 requirement is not necessary to protect the integrity of the  
5 game. Items purchased from a licensed supplier may continue to  
6 be used even though the supplier subsequently changes its name,  
7 distinctive logo, or other mark or design element; undergoes a  
8 change in ownership; or ceases to be licensed as a supplier for  
9 any reason. Any supplier's equipment, devices or supplies which  
10 are used by any person in an unauthorized gambling operation  
11 shall be forfeited to the State. ~~A holder of an owners license~~  
12 ~~or an organization gaming license~~ A licensed owner may own its  
13 own equipment, devices and supplies. Each holder of an owners  
14 license ~~or an organization gaming license~~ under the Act shall  
15 file an annual report listing its inventories of gambling  
16 equipment, devices and supplies.

17 (f) Any person who knowingly makes a false statement on an  
18 application is guilty of a Class A misdemeanor.

19 (g) Any gambling equipment, devices and supplies provided  
20 by any licensed supplier may either be repaired on the  
21 riverboat, ~~in the casino,~~ or ~~at the organization gaming~~  
22 ~~facility~~ or removed from the riverboat, ~~casino,~~ or ~~organization~~  
23 ~~gaming facility~~ to a an on-shore facility owned by the holder  
24 of an owners license, ~~organization gaming license,~~ or ~~suppliers~~  
25 ~~license~~ for repair.

26 (Source: P.A. 101-31, eff. 6-28-19.)

1 (230 ILCS 10/9) (from Ch. 120, par. 2409)

2 Sec. 9. Occupational licenses.

3 (a) The Board may issue an occupational license to an  
4 applicant upon the payment of a non-refundable fee set by the  
5 Board, upon a determination by the Board that the applicant is  
6 eligible for an occupational license and upon payment of an  
7 annual license fee in an amount to be established. To be  
8 eligible for an occupational license, an applicant must:

9 (1) be at least 21 years of age if the applicant will  
10 perform any function involved in gaming by patrons. Any  
11 applicant seeking an occupational license for a non-gaming  
12 function shall be at least 18 years of age;

13 (2) not have been convicted of a felony offense, a  
14 violation of Article 28 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, or a similar statute of any other  
16 jurisdiction;

17 (2.5) not have been convicted of a crime, other than a  
18 crime described in item (2) of this subsection (a),  
19 involving dishonesty or moral turpitude, except that the  
20 Board may, in its discretion, issue an occupational license  
21 to a person who has been convicted of a crime described in  
22 this item (2.5) more than 10 years prior to his or her  
23 application and has not subsequently been convicted of any  
24 other crime;

25 (3) have demonstrated a level of skill or knowledge



1 which the Board determines to be necessary in order to  
2 operate gambling aboard a riverboat, ~~in a casino, or at an~~  
3 ~~organization gaming facility~~; and

4 (4) have met standards for the holding of an  
5 occupational license as adopted by rules of the Board. Such  
6 rules shall provide that any person or entity seeking an  
7 occupational license to manage gambling operations ~~under~~  
8 ~~this Act~~ hereunder shall be subject to background inquiries  
9 and further requirements similar to those required of  
10 applicants for an owners license. Furthermore, such rules  
11 shall provide that each such entity shall be permitted to  
12 manage gambling operations for only one licensed owner.

13 (b) Each application for an occupational license shall be  
14 on forms prescribed by the Board and shall contain all  
15 information required by the Board. The applicant shall set  
16 forth in the application: whether he has been issued prior  
17 gambling related licenses; whether he has been licensed in any  
18 other state under any other name, and, if so, such name and his  
19 age; and whether or not a permit or license issued to him in  
20 any other state has been suspended, restricted or revoked, and,  
21 if so, for what period of time.

22 (c) Each applicant shall submit with his application, on  
23 forms provided by the Board, 2 sets of his fingerprints. The  
24 Board shall charge each applicant a fee set by the Department  
25 of State Police to defray the costs associated with the search  
26 and classification of fingerprints obtained by the Board with

1 respect to the applicant's application. These fees shall be  
2 paid into the State Police Services Fund.

3 (d) The Board may in its discretion refuse an occupational  
4 license to any person: (1) who is unqualified to perform the  
5 duties required of such applicant; (2) who fails to disclose or  
6 states falsely any information called for in the application;  
7 (3) who has been found guilty of a violation of this Act or  
8 whose prior gambling related license or application therefor  
9 has been suspended, restricted, revoked or denied for just  
10 cause in any other state; or (4) for any other just cause.

11 (e) The Board may suspend, revoke or restrict any  
12 occupational licensee: (1) for violation of any provision of  
13 this Act; (2) for violation of any of the rules and regulations  
14 of the Board; (3) for any cause which, if known to the Board,  
15 would have disqualified the applicant from receiving such  
16 license; or (4) for default in the payment of any obligation or  
17 debt due to the State of Illinois; or (5) for any other just  
18 cause.

19 (f) A person who knowingly makes a false statement on an  
20 application is guilty of a Class A misdemeanor.

21 (g) Any license issued pursuant to this Section shall be  
22 valid for a period of one year from the date of issuance.

23 (h) Nothing in this Act shall be interpreted to prohibit a  
24 licensed owner ~~or organization gaming licensee~~ from entering  
25 into an agreement with a public community college or a school  
26 approved under the Private Business and Vocational Schools Act

1 of 2012 for the training of any occupational licensee. Any  
2 training offered by such a school shall be in accordance with a  
3 written agreement between the licensed owner ~~or organization~~  
4 ~~gaming licensee~~ and the school.

5 (i) Any training provided for occupational licensees may be  
6 conducted either ~~at the site of the gambling facility~~ on the  
7 riverboat or at a school with which a licensed owner ~~or~~  
8 ~~organization gaming licensee~~ has entered into an agreement  
9 pursuant to subsection (h).

10 (Source: P.A. 101-31, eff. 6-28-19.)

11 (230 ILCS 10/11) (from Ch. 120, par. 2411)

12 Sec. 11. Conduct of gambling. Gambling may be conducted by  
13 licensed owners or licensed managers on behalf of the State  
14 aboard riverboats. ~~Gambling may be conducted by organization~~  
15 ~~gaming licensees at organization gaming facilities. Gambling~~  
16 ~~authorized under this Section is,~~ subject to the following  
17 standards:

18 (1) A licensee may conduct riverboat gambling  
19 authorized under this Act regardless of whether it conducts  
20 excursion cruises. A licensee may permit the continuous  
21 ingress and egress of ~~patrons~~ passengers on a riverboat not  
22 used for excursion cruises for the purpose of gambling.  
23 Excursion cruises shall not exceed 4 hours for a round  
24 trip. However, the Board may grant express approval for an  
25 extended cruise on a case-by-case basis.

1           ~~(1.5) An owners licensee may conduct gambling~~  
2 ~~operations authorized under this Act 24 hours a day.~~

3           (2) (Blank).

4           (3) Minimum and maximum wagers on games shall be set by  
5 the licensee.

6           (4) Agents of the Board and the Department of State  
7 Police may board and inspect any riverboat, ~~enter and~~  
8 ~~inspect any portion of a casino, or enter and inspect any~~  
9 ~~portion of an organization gaming facility~~ at any time for  
10 the purpose of determining whether this Act is being  
11 complied with. Every riverboat, if under way and being  
12 hailed by a law enforcement officer or agent of the Board,  
13 must stop immediately and lay to.

14           (5) Employees of the Board shall have the right to be  
15 present on the riverboat ~~or in the casino~~ or on adjacent  
16 facilities under the control of the licensee ~~and at the~~  
17 ~~organization gaming facility under the control of the~~  
18 ~~organization gaming licensee.~~

19           (6) Gambling equipment and supplies customarily used  
20 in conducting riverboat gambling must be purchased or  
21 leased only from suppliers licensed for such purpose under  
22 this Act. The Board may approve the transfer, sale, or  
23 lease of gambling equipment and supplies by a licensed  
24 owner from or to an affiliate of the licensed owner as long  
25 as the gambling equipment and supplies were initially  
26 acquired from a supplier licensed in Illinois.

1           (7) Persons licensed under this Act shall permit no  
2 form of wagering on gambling games except as permitted by  
3 this Act.

4           (8) Wagers may be received only from a person present  
5 on a licensed riverboat, ~~in a casino, or at an organization~~  
6 ~~gaming facility~~. No person present on a licensed riverboat,  
7 ~~in a casino, or at an organization gaming facility~~ shall  
8 place or attempt to place a wager on behalf of another  
9 person who is not present on the riverboat, ~~in a casino, or~~  
10 ~~at the organization gaming facility~~.

11           (9) Wagering, ~~including gaming authorized under~~  
12 ~~Section 7.7,~~ shall not be conducted with money or other  
13 negotiable currency.

14           (10) A person under age 21 shall not be permitted on an  
15 area of a riverboat ~~or casino~~ where gambling is being  
16 conducted ~~or at an organization gaming facility where~~  
17 ~~gambling is being conducted~~, except for a person at least  
18 18 years of age who is an employee of the riverboat ~~or~~  
19 ~~casino~~ gambling operation ~~or gaming operation~~. No employee  
20 under age 21 shall perform any function involved in  
21 gambling by the patrons. No person under age 21 shall be  
22 permitted to make a wager under this Act, and any winnings  
23 that are a result of a wager by a person under age 21,  
24 whether or not paid by a licensee, shall be treated as  
25 winnings for the privilege tax purposes, confiscated, and  
26 forfeited to the State and deposited into the Education

1 Assistance Fund.

2 (11) Gambling excursion cruises are permitted only  
3 when the waterway for which the riverboat is licensed is  
4 navigable, as determined by the Board in consultation with  
5 the U.S. Army Corps of Engineers. This paragraph (11) does  
6 not limit the ability of a licensee to conduct gambling  
7 authorized under this Act when gambling excursion cruises  
8 are not permitted.

9 (12) All ~~tickets~~ tokens, chips, or electronic cards  
10 used to make wagers must be purchased ~~(i)~~ from a licensed  
11 owner or manager, ~~in the case of a riverboat,~~ either aboard  
12 a riverboat or at an onshore facility which has been  
13 approved by the Board and which is located where the  
14 riverboat docks, ~~(ii) in the case of a casino, from a~~  
15 ~~licensed owner at the casino, or (iii) from an organization~~  
16 ~~gaming licensee at the organization gaming facility.~~ The  
17 ~~tickets~~ tokens, chips, or electronic cards may be purchased  
18 by means of an agreement under which the owner or manager  
19 extends credit to the patron. Such ~~tickets~~ tokens, chips,  
20 or electronic cards may be used while aboard the riverboat,  
21 ~~in the casino, or at the organization gaming facility~~ only  
22 for the purpose of making wagers on gambling games.

23 (13) Notwithstanding any other Section of this Act, in  
24 addition to the other licenses authorized under this Act,  
25 the Board may issue special event licenses allowing persons  
26 who are not otherwise licensed to conduct riverboat

1 gambling to conduct such gambling on a specified date or  
2 series of dates. Riverboat gambling under such a license  
3 may take place on a riverboat not normally used for  
4 riverboat gambling. The Board shall establish standards,  
5 fees and fines for, and limitations upon, such licenses,  
6 which may differ from the standards, fees, fines and  
7 limitations otherwise applicable under this Act. All such  
8 fees shall be deposited into the State Gaming Fund. All  
9 such fines shall be deposited into the Education Assistance  
10 Fund, created by Public Act 86-0018, of the State of  
11 Illinois.

12 (14) In addition to the above, gambling must be  
13 conducted in accordance with all rules adopted by the  
14 Board.

15 (Source: P.A. 101-31, eff. 6-28-19.)

16 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

17 Sec. 11.1. Collection of amounts owing under credit  
18 agreements. Notwithstanding any applicable statutory provision  
19 to the contrary, a licensed owner, ~~licensed or~~ or manager, ~~or~~  
20 ~~organization gaming licensee~~ who extends credit to a riverboat  
21 gambling patron pursuant to ~~paragraph (12) of Section 11~~  
22 Section 11 (a) (12) of this Act is expressly authorized to  
23 institute a cause of action to collect any amounts due and  
24 owing under the extension of credit, as well as the ~~licensed~~  
25 owner's, ~~licensed or~~ or manager's, ~~or organization gaming~~

1 ~~licensee's~~ costs, expenses and reasonable attorney's fees  
2 incurred in collection.

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 (230 ILCS 10/12) (from Ch. 120, par. 2412)

5 Sec. 12. Admission tax; fees.

6 (a) A tax is hereby imposed upon admissions to ~~riverboat~~  
7 ~~and casino gambling facilities~~ riverboats operated by licensed  
8 owners authorized pursuant to this Act. Until July 1, 2002, the  
9 rate is \$2 per person admitted. From July 1, 2002 until July 1,  
10 2003, the rate is \$3 per person admitted. From July 1, 2003  
11 until August 23, 2005 (the effective date of Public Act  
12 94-673), for a licensee that admitted 1,000,000 persons or  
13 fewer in the previous calendar year, the rate is \$3 per person  
14 admitted; for a licensee that admitted more than 1,000,000 but  
15 no more than 2,300,000 persons in the previous calendar year,  
16 the rate is \$4 per person admitted; and for a licensee that  
17 admitted more than 2,300,000 persons in the previous calendar  
18 year, the rate is \$5 per person admitted. Beginning on August  
19 23, 2005 (the effective date of Public Act 94-673), for a  
20 licensee that admitted 1,000,000 persons or fewer in calendar  
21 year 2004, the rate is \$2 per person admitted, and for all  
22 other licensees, including licensees that were not conducting  
23 gambling operations in 2004, the rate is \$3 per person  
24 admitted. This admission tax is imposed upon the licensed owner  
25 conducting gambling.



1           (1) The admission tax shall be paid for each admission,  
2           except that a person who exits a riverboat gambling  
3           facility and reenters that riverboat gambling facility  
4           within the same gaming day shall be subject only to the  
5           initial admission tax.

6           (2) (Blank).

7           (3) The riverboat licensee may issue tax-free passes to  
8           actual and necessary officials and employees of the  
9           licensee or other persons actually working on the  
10          riverboat.

11          (4) The number and issuance of tax-free passes is  
12          subject to the rules of the Board, and a list of all  
13          persons to whom the tax-free passes are issued shall be  
14          filed with the Board.

15          (a-5) A fee is hereby imposed upon admissions operated by  
16          licensed managers on behalf of the State pursuant to Section  
17          7.3 at the rates provided in this subsection (a-5). For a  
18          licensee that admitted 1,000,000 persons or fewer in the  
19          previous calendar year, the rate is \$3 per person admitted; for  
20          a licensee that admitted more than 1,000,000 but no more than  
21          2,300,000 persons in the previous calendar year, the rate is \$4  
22          per person admitted; and for a licensee that admitted more than  
23          2,300,000 persons in the previous calendar year, the rate is \$5  
24          per person admitted.

25          (1) The admission fee shall be paid for each admission.

26          (2) (Blank).

1           (3) The licensed manager may issue fee-free passes to  
2 actual and necessary officials and employees of the manager  
3 or other persons actually working on the riverboat.

4           (4) The number and issuance of fee-free passes is  
5 subject to the rules of the Board, and a list of all  
6 persons to whom the fee-free passes are issued shall be  
7 filed with the Board.

8           (b) ~~Except as provided in subsection (b-5), from~~ From the  
9 tax imposed under subsection (a) and the fee imposed under  
10 subsection (a-5), a municipality shall receive from the State  
11 \$1 for each person embarking on a riverboat docked within the  
12 municipality ~~or entering a casino located within the~~  
13 ~~municipality~~, and a county shall receive \$1 for each person  
14 ~~entering a casino or~~ embarking on a riverboat docked within the  
15 county but outside the boundaries of any municipality. The  
16 municipality's or county's share shall be collected by the  
17 Board on behalf of the State and remitted quarterly by the  
18 State, subject to appropriation, to the treasurer of the unit  
19 of local government for deposit in the general fund.

20           ~~(b-5) From the tax imposed under subsection (a) and the fee~~  
21 ~~imposed under subsection (a-5), \$1 for each person embarking on~~  
22 ~~a riverboat designated in paragraph (4) of subsection (c-5) of~~  
23 ~~Section 7 shall be divided as follows: \$0.70 to the City of~~  
24 ~~Rockford, \$0.05 to the City of Loves Park, \$0.05 to the Village~~  
25 ~~of Machesney Park, and \$0.20 to Winnebago County.~~

26           ~~The municipality's or county's share shall be collected by~~

1 ~~the Board on behalf of the State and remitted monthly by the~~  
2 ~~State, subject to appropriation, to the treasurer of the unit~~  
3 ~~of local government for deposit in the general fund.~~

4 ~~(b-10) From the tax imposed under subsection (a) and the~~  
5 ~~fee imposed under subsection (a-5), \$1 for each person~~  
6 ~~embarking on a riverboat or entering a casino designated in~~  
7 ~~paragraph (1) of subsection (c-5) of Section 7 shall be divided~~  
8 ~~as follows: \$0.70 to the City of Chicago, \$0.15 to the Village~~  
9 ~~of Maywood, and \$0.15 to the Village of Summit.~~

10 ~~The municipality's or county's share shall be collected by~~  
11 ~~the Board on behalf of the State and remitted monthly by the~~  
12 ~~State, subject to appropriation, to the treasurer of the unit~~  
13 ~~of local government for deposit in the general fund.~~

14 ~~(b-15) From the tax imposed under subsection (a) and the~~  
15 ~~fee imposed under subsection (a-5), \$1 for each person~~  
16 ~~embarking on a riverboat or entering a casino designated in~~  
17 ~~paragraph (2) of subsection (c-5) of Section 7 shall be divided~~  
18 ~~as follows: \$0.70 to the City of Danville and \$0.30 to~~  
19 ~~Vermilion County.~~

20 ~~The municipality's or county's share shall be collected by~~  
21 ~~the Board on behalf of the State and remitted monthly by the~~  
22 ~~State, subject to appropriation, to the treasurer of the unit~~  
23 ~~of local government for deposit in the general fund.~~

24 (c) The licensed owner shall pay the entire admission tax  
25 to the Board and the licensed manager shall pay the entire  
26 admission fee to the Board. Such payments shall be made daily.

1 Accompanying each payment shall be a return on forms provided  
2 by the Board which shall include other information regarding  
3 admissions as the Board may require. Failure to submit either  
4 the payment or the return within the specified time may result  
5 in suspension or revocation of the owners or managers license.

6 ~~(c-5) A tax is imposed on admissions to organization gaming~~  
7 ~~facilities at the rate of \$3 per person admitted by an~~  
8 ~~organization gaming licensee. The tax is imposed upon the~~  
9 ~~organization gaming licensee.~~

10 ~~(1) The admission tax shall be paid for each admission,~~  
11 ~~except that a person who exits an organization gaming~~  
12 ~~facility and reenters that organization gaming facility~~  
13 ~~within the same gaming day, as the term "gaming day" is~~  
14 ~~defined by the Board by rule, shall be subject only to the~~  
15 ~~initial admission tax. The Board shall establish, by rule,~~  
16 ~~a procedure to determine whether a person admitted to an~~  
17 ~~organization gaming facility has paid the admission tax.~~

18 ~~(2) An organization gaming licensee may issue tax free~~  
19 ~~passes to actual and necessary officials and employees of~~  
20 ~~the licensee and other persons associated with its gaming~~  
21 ~~operations.~~

22 ~~(3) The number and issuance of tax free passes is~~  
23 ~~subject to the rules of the Board, and a list of all~~  
24 ~~persons to whom the tax free passes are issued shall be~~  
25 ~~filed with the Board.~~

26 ~~(4) The organization gaming licensee shall pay the~~

1 ~~entire admission tax to the Board.~~

2 ~~Such payments shall be made daily. Accompanying each~~  
3 ~~payment shall be a return on forms provided by the Board, which~~  
4 ~~shall include other information regarding admission as the~~  
5 ~~Board may require. Failure to submit either the payment or the~~  
6 ~~return within the specified time may result in suspension or~~  
7 ~~revocation of the organization gaming license.~~

8 ~~From the tax imposed under this subsection (c 5), a~~  
9 ~~municipality other than the Village of Stickney or the City of~~  
10 ~~Collinsville in which an organization gaming facility is~~  
11 ~~located, or if the organization gaming facility is not located~~  
12 ~~within a municipality, then the county in which the~~  
13 ~~organization gaming facility is located, except as otherwise~~  
14 ~~provided in this Section, shall receive, subject to~~  
15 ~~appropriation, \$1 for each person who enters the organization~~  
16 ~~gaming facility. For each admission to the organization gaming~~  
17 ~~facility in excess of 1,500,000 in a year, from the tax imposed~~  
18 ~~under this subsection (c 5), the county in which the~~  
19 ~~organization gaming facility is located shall receive, subject~~  
20 ~~to appropriation, \$0.30, which shall be in addition to any~~  
21 ~~other moneys paid to the county under this Section.~~

22 ~~From the tax imposed under this subsection (c 5) on an~~  
23 ~~organization gaming facility located in the Village of~~  
24 ~~Stickney, \$1 for each person who enters the organization gaming~~  
25 ~~facility shall be distributed as follows, subject to~~  
26 ~~appropriation: \$0.24 to the Village of Stickney, \$0.49 to the~~

1 ~~Town of Cicero, \$0.05 to the City of Berwyn, and \$0.17 to the~~  
2 ~~Stickney Public Health District, and \$0.05 to the City of~~  
3 ~~Bridgeview.~~

4 ~~From the tax imposed under this subsection (c-5) on an~~  
5 ~~organization gaming facility located in the City of~~  
6 ~~Collinsville, the following shall each receive 10 cents for~~  
7 ~~each person who enters the organization gaming facility,~~  
8 ~~subject to appropriation: the Village of Alorton; the Village~~  
9 ~~of Washington Park; State Park Place; the Village of Fairmont~~  
10 ~~City; the City of Centreville; the Village of Brooklyn; the~~  
11 ~~City of Venice; the City of Madison; the Village of Caseyville;~~  
12 ~~and the Village of Pontoon Beach.~~

13 ~~On the 25th day of each month, all amounts remaining after~~  
14 ~~payments required under this subsection (c-5) have been made~~  
15 ~~shall be transferred into the Capital Projects Fund.~~

16 (d) The Board shall administer and collect the admission  
17 tax imposed by this Section, to the extent practicable, in a  
18 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
19 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the  
20 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
21 Penalty and Interest Act.

22 (Source: P.A. 101-31, eff. 6-28-19.)

23 (230 ILCS 10/14) (from Ch. 120, par. 2414)

24 Sec. 14. Licensees - Records - Reports - Supervision.

25 (a) ~~Licensed owners and organization gaming licensees~~ A

1 licensed owner shall keep his books and records so as to  
2 clearly show the following:

3 (1) The amount received daily from admission fees.

4 (2) The total amount of gross receipts.

5 (3) The total amount of the adjusted gross receipts.

6 (b) ~~Licensed owners and organization gaming licensees~~ The  
7 licensed owner shall furnish to the Board reports and  
8 information as the Board may require with respect to its  
9 activities on forms designed and supplied for such purpose by  
10 the Board.

11 (c) The books and records kept by a licensed owner as  
12 provided by this Section are public records and the  
13 examination, publication, and dissemination of the books and  
14 records are governed by the provisions of The Freedom of  
15 Information Act.

16 (Source: P.A. 101-31, eff. 6-28-19.)

17 (230 ILCS 10/15) (from Ch. 120, par. 2415)

18 Sec. 15. Audit of Licensee Operations. Annually, the  
19 licensed owner, or manager, ~~or organization gaming licensee~~  
20 shall transmit to the Board an audit of the financial  
21 transactions and condition of the licensee's ~~or manager's~~ total  
22 operations. Additionally, within 90 days after the end of each  
23 quarter of each fiscal year, the licensed owner, or manager, ~~or~~  
24 ~~organization gaming licensee~~ shall transmit to the Board a  
25 compliance report on engagement procedures determined by the

1 Board. All audits and compliance engagements shall be conducted  
2 by certified public accountants selected by the Board. Each  
3 certified public accountant must be registered in the State of  
4 Illinois under the Illinois Public Accounting Act. The  
5 compensation for each certified public accountant shall be paid  
6 directly by the licensed owner, or manager, ~~or organization~~  
7 ~~gaming licensee~~ to the certified public accountant.

8 (Source: P.A. 101-31, eff. 6-28-19.)

9 (230 ILCS 10/17) (from Ch. 120, par. 2417)

10 Sec. 17. Administrative Procedures. The Illinois  
11 Administrative Procedure Act shall apply to all administrative  
12 rules and procedures of the Board under this Act ~~and~~ or the  
13 Video Gaming Act, except that: (1) subsection (b) of Section  
14 5-10 of the Illinois Administrative Procedure Act does not  
15 apply to final orders, decisions and opinions of the Board; (2)  
16 subsection (a) of Section 5-10 of the Illinois Administrative  
17 Procedure Act does not apply to forms established by the Board  
18 for use under this Act ~~and~~ or the Video Gaming Act; (3) the  
19 provisions of Section 10-45 of the Illinois Administrative  
20 Procedure Act regarding proposals for decision are excluded  
21 under this Act ~~and~~ or the Video Gaming Act; and (4) the  
22 provisions of subsection (d) of Section 10-65 of the Illinois  
23 Administrative Procedure Act do not apply so as to prevent  
24 summary suspension of any license pending revocation or other  
25 action, which suspension shall remain in effect unless modified



1 by the Board or unless the Board's decision is reversed on the  
2 merits upon judicial review.

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 (230 ILCS 10/17.1) (from Ch. 120, par. 2417.1)

5 Sec. 17.1. Judicial Review.

6 (a) Jurisdiction and venue for the judicial review of a  
7 final order of the Board relating to ~~licensed~~ owners,  
8 ~~suppliers, organization gaming licensees, and or~~ special event  
9 licenses is vested in the Appellate Court of the judicial  
10 district in which Sangamon County is located. A petition for  
11 judicial review of a final order of the Board must be filed in  
12 the Appellate Court, within 35 days from the date that a copy  
13 of the decision sought to be reviewed was served upon the party  
14 affected by the decision.

15 (b) Judicial review of all other final orders of the Board  
16 shall be conducted in accordance with the Administrative Review  
17 Law.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 10/18) (from Ch. 120, par. 2418)

20 Sec. 18. Prohibited Activities - Penalty.

21 (a) A person is guilty of a Class A misdemeanor for doing  
22 any of the following:

23 (1) Conducting gambling where wagering is used or to be  
24 used without a license issued by the Board.

1           (2) Conducting gambling where wagering is permitted  
2           other than in the manner specified by Section 11.

3           (b) A person is guilty of a Class B misdemeanor for doing  
4           any of the following:

5           (1) permitting a person under 21 years to make a wager;  
6           or

7           (2) violating paragraph (12) of subsection (a) of  
8           Section 11 of this Act.

9           (c) A person wagering or accepting a wager at any location  
10          outside the riverboat, ~~casino, or organization gaming facility~~  
11          ~~in violation of paragraph~~ is subject to the penalties in  
12          paragraphs (1) or (2) of subsection (a) of Section 28-1 of the  
13          Criminal Code of 2012 ~~is subject to the penalties provided in~~  
14          ~~that Section.~~

15          (d) A person commits a Class 4 felony and, in addition,  
16          shall be barred for life from ~~gambling operations~~ riverboats  
17          under the jurisdiction of the Board, if the person does any of  
18          the following:

19               (1) Offers, promises, or gives anything of value or  
20               benefit to a person who is connected with a riverboat ~~or~~  
21               ~~casino owner or organization gaming licensee,~~ including,  
22               but not limited to, an officer or employee of a licensed  
23               owner, ~~organization gaming licensee,~~ or holder of an  
24               occupational license pursuant to an agreement or  
25               arrangement or with the intent that the promise or thing of  
26               value or benefit will influence the actions of the person

1 to whom the offer, promise, or gift was made in order to  
2 affect or attempt to affect the outcome of a gambling game,  
3 or to influence official action of a member of the Board.

4 (2) Solicits or knowingly accepts or receives a promise  
5 of anything of value or benefit while the person is  
6 connected with a riverboat, ~~casino, or organization gaming~~  
7 ~~facility,~~ including, but not limited to, an officer or  
8 employee of a licensed owner ~~or organization gaming~~  
9 ~~licensee,~~ or ~~the~~ holder of an occupational license,  
10 pursuant to an understanding or arrangement or with the  
11 intent that the promise or thing of value or benefit will  
12 influence the actions of the person to affect or attempt to  
13 affect the outcome of a gambling game, or to influence  
14 official action of a member of the Board.

15 (3) Uses or possesses with the intent to use a device  
16 to assist:

17 (i) In projecting the outcome of the game.

18 (ii) In keeping track of the cards played.

19 (iii) In analyzing the probability of the  
20 occurrence of an event relating to the gambling game.

21 (iv) In analyzing the strategy for playing or  
22 betting to be used in the game except as permitted by  
23 the Board.

24 (4) Cheats at a gambling game.

25 (5) Manufactures, sells, or distributes any cards,  
26 chips, dice, game or device which is intended to be used to

1 violate any provision of this Act.

2 (6) Alters or misrepresents the outcome of a gambling  
3 game on which wagers have been made after the outcome is  
4 made sure but before it is revealed to the players.

5 (7) Places a bet after acquiring knowledge, not  
6 available to all players, of the outcome of the gambling  
7 game which is subject of the bet or to aid a person in  
8 acquiring the knowledge for the purpose of placing a bet  
9 contingent on that outcome.

10 (8) Claims, collects, or takes, or attempts to claim,  
11 collect, or take, money or anything of value in or from the  
12 gambling games, with intent to defraud, without having made  
13 a wager contingent on winning a gambling game, or claims,  
14 collects, or takes an amount of money or thing of value of  
15 greater value than the amount won.

16 (9) Uses counterfeit chips or tokens in a gambling  
17 game.

18 (10) Possesses any key or device designed for the  
19 purpose of opening, entering, or affecting the operation of  
20 a gambling game, drop box, or an electronic or mechanical  
21 device connected with the gambling game or for removing  
22 coins, tokens, chips or other contents of a gambling game.  
23 This paragraph (10) does not apply to a gambling licensee  
24 or employee of a gambling licensee acting in furtherance of  
25 the employee's employment.

26 (e) The possession of more than one of the devices

1 described in subsection (d), paragraphs (3), (5), or (10)  
2 permits a rebuttable presumption that the possessor intended to  
3 use the devices for cheating.

4 (f) A person under the age of 21 who, except as authorized  
5 under paragraph (10) of Section 11, enters upon a riverboat ~~or~~  
6 ~~in a casino or organization gaming facility~~ commits a petty  
7 offense and is subject to a fine of not less than \$100 or more  
8 than \$250 for a first offense and of not less than \$200 or more  
9 than \$500 for a second or subsequent offense.

10 An action to prosecute any crime occurring on a riverboat  
11 shall be tried in the county of the dock at which the riverboat  
12 is based. ~~An action to prosecute any crime occurring in a~~  
13 ~~casino or organization gaming facility shall be tried in the~~  
14 ~~county in which the casino or organization gaming facility is~~  
15 ~~located.~~

16 (Source: P.A. 101-31, eff. 6-28-19.)

17 (230 ILCS 10/18.1)

18 Sec. 18.1. Distribution of certain fines. If a fine is  
19 imposed on an ~~owners~~ owner licensee ~~or an organization gaming~~  
20 ~~licensee~~ for knowingly sending marketing or promotional  
21 materials to any person placed on the self-exclusion list, then  
22 the Board shall distribute an amount equal to 15% of the fine  
23 imposed to the unit of local government in which the ~~casino,~~  
24 ~~riverboat, or organization gaming facility~~ is located for the  
25 purpose of awarding grants to non-profit entities that assist

1 gambling addicts.

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (230 ILCS 10/19) (from Ch. 120, par. 2419)

4 Sec. 19. Forfeiture of property.

5 (a) Except as provided in subsection (b), any riverboat,  
6 ~~casino, or organization gaming facility~~ used for the conduct of  
7 gambling games in violation of this Act shall be considered a  
8 gambling place in violation of Section 28-3 of the Criminal  
9 Code of 2012. Every gambling device found on a riverboat,  
10 ~~in a casino, or at an organization gaming facility~~ operating  
11 gambling games in violation of this Act ~~and every slot machine~~  
12 ~~and video game of chance found at an organization gaming~~  
13 ~~facility operating gambling games in violation of this Act~~  
14 shall be subject to seizure, confiscation and destruction as  
15 provided in Section 28-5 of the Criminal Code of 2012.

16 (b) It is not a violation of this Act for a riverboat or  
17 other watercraft which is licensed for gaming by a contiguous  
18 state to dock on the shores of this State if the municipality  
19 having jurisdiction of the shores, or the county in the case of  
20 unincorporated areas, has granted permission for docking and no  
21 gaming is conducted on the riverboat or other watercraft while  
22 it is docked on the shores of this State. No gambling device  
23 shall be subject to seizure, confiscation or destruction if the  
24 gambling device is located on a riverboat or other watercraft  
25 which is licensed for gaming by a contiguous state and which is

1 docked on the shores of this State if the municipality having  
2 jurisdiction of the shores, or the county in the case of  
3 unincorporated areas, has granted permission for docking and no  
4 gaming is conducted on the riverboat or other watercraft while  
5 it is docked on the shores of this State.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 10/20) (from Ch. 120, par. 2420)

8 Sec. 20. Prohibited activities - civil penalties. Any  
9 person who conducts a gambling operation without first  
10 obtaining a license to do so, or who continues to conduct such  
11 games after revocation of his license, or any licensee who  
12 conducts or allows to be conducted any unauthorized gambling  
13 games on a riverboat, ~~in a casino, or at an organization gaming~~  
14 ~~facility~~ where it is authorized to conduct its riverboat  
15 gambling operation, in addition to other penalties provided,  
16 shall be subject to a civil penalty equal to the amount of  
17 gross receipts derived from wagering on the gambling games,  
18 whether unauthorized or authorized, conducted on that day as  
19 well as confiscation and forfeiture of all gambling game  
20 equipment used in the conduct of unauthorized gambling games.

21 (Source: P.A. 101-31, eff. 6-28-19.)

22 (230 ILCS 10/24)

23 Sec. 24. Applicability of ~~this~~ Illinois Riverboat Gambling  
24 Act. The provisions of ~~this~~ the Illinois Riverboat Gambling

1 Act, and all rules promulgated thereunder, shall apply to the  
2 Video Gaming Act, except where there is a conflict between the  
3 2 Acts. ~~In the event of a conflict between this Act and the~~  
4 ~~Video Gaming Act, the terms of this Act shall prevail.~~

5 (Source: P.A. 101-31, eff. 6-28-19.)

6 Section 10-430. The Video Gaming Act is amended by changing  
7 Sections 5, 15, 20, 25, 30, 35, 45, 55, 58, 60, 79, and 80 as  
8 follows:

9 (230 ILCS 40/5)

10 Sec. 5. Definitions. As used in this Act:

11 "Board" means the Illinois Gaming Board.

12 "Credit" means one, 5, 10, or 25 cents either won or  
13 purchased by a player.

14 "Distributor" means an individual, partnership,  
15 corporation, or limited liability company licensed under this  
16 Act to buy, sell, lease, or distribute video gaming terminals  
17 or major components or parts of video gaming terminals to or  
18 from terminal operators.

19 "Electronic card" means a card purchased from a licensed  
20 establishment, licensed fraternal establishment, licensed  
21 veterans establishment, or licensed truck stop establishment,  
22 ~~or licensed large truck stop establishment~~ for use in that  
23 establishment as a substitute for cash in the conduct of gaming  
24 on a video gaming terminal.



1 "Electronic voucher" means a voucher printed by an  
2 electronic video game machine that is redeemable in the  
3 licensed establishment for which it was issued.

4 ~~"In-location bonus jackpot" means one or more video gaming~~  
5 ~~terminals at a single licensed establishment that allows for~~  
6 ~~wagers placed on such video gaming terminals to contribute to a~~  
7 ~~cumulative maximum jackpot of up to \$10,000.~~

8 "Terminal operator" means an individual, partnership,  
9 corporation, or limited liability company that is licensed  
10 under this Act and that owns, services, and maintains video  
11 gaming terminals for placement in licensed establishments,  
12 licensed truck stop establishments, ~~licensed large truck stop~~  
13 ~~establishments~~, licensed fraternal establishments, or licensed  
14 veterans establishments.

15 "Licensed technician" means an individual who is licensed  
16 under this Act to repair, service, and maintain video gaming  
17 terminals.

18 "Licensed terminal handler" means a person, including but  
19 not limited to an employee or independent contractor working  
20 for a manufacturer, distributor, supplier, technician, or  
21 terminal operator, who is licensed under this Act to possess or  
22 control a video gaming terminal or to have access to the inner  
23 workings of a video gaming terminal. A licensed terminal  
24 handler does not include an individual, partnership,  
25 corporation, or limited liability company defined as a  
26 manufacturer, distributor, supplier, technician, or terminal

1 operator under this Act.

2 "Manufacturer" means an individual, partnership,  
3 corporation, or limited liability company that is licensed  
4 under this Act and that manufactures or assembles video gaming  
5 terminals.

6 "Supplier" means an individual, partnership, corporation,  
7 or limited liability company that is licensed under this Act to  
8 supply major components or parts to video gaming terminals to  
9 licensed terminal operators.

10 "Net terminal income" means money put into a video gaming  
11 terminal minus credits paid out to players.

12 "Video gaming terminal" means any electronic video game  
13 machine that, upon insertion of cash, electronic cards or  
14 vouchers, or any combination thereof, is available to play or  
15 simulate the play of a video game, including but not limited to  
16 video poker, line up, and blackjack, as authorized by the Board  
17 utilizing a video display and microprocessors in which the  
18 player may receive free games or credits that can be redeemed  
19 for cash. The term does not include a machine that directly  
20 dispenses coins, cash, or tokens or is for amusement purposes  
21 only.

22 "Licensed establishment" means any licensed retail  
23 establishment where alcoholic liquor is drawn, poured, mixed,  
24 or otherwise served for consumption on the premises, whether  
25 the establishment operates on a nonprofit or for-profit basis.

26 "Licensed establishment" includes any such establishment that

1 has a contractual relationship with an inter-track wagering  
2 location licensee licensed under the Illinois Horse Racing Act  
3 of 1975, provided any contractual relationship shall not  
4 include any transfer or offer of revenue from the operation of  
5 video gaming under this Act to any licensee licensed under the  
6 Illinois Horse Racing Act of 1975. Provided, however, that the  
7 licensed establishment that has such a contractual  
8 relationship with an inter-track wagering location licensee  
9 may not, itself, be (i) an inter-track wagering location  
10 licensee, (ii) the corporate parent or subsidiary of any  
11 licensee licensed under the Illinois Horse Racing Act of 1975,  
12 or (iii) the corporate subsidiary of a corporation that is also  
13 the corporate parent or subsidiary of any licensee licensed  
14 under the Illinois Horse Racing Act of 1975. "Licensed  
15 establishment" does not include a facility operated by an  
16 organization licensee, an inter-track wagering licensee, or an  
17 inter-track wagering location licensee licensed under the  
18 Illinois Horse Racing Act of 1975 or a riverboat licensed under  
19 the ~~Illinois~~ Riverboat Gambling Act, except as provided in this  
20 paragraph. The changes made to this definition by Public Act  
21 98-587 are declarative of existing law.

22 "Licensed fraternal establishment" means the location  
23 where a qualified fraternal organization that derives its  
24 charter from a national fraternal organization regularly  
25 meets.

26 "Licensed veterans establishment" means the location where

1 a qualified veterans organization that derives its charter from  
2 a national veterans organization regularly meets.

3 "Licensed truck stop establishment" means a facility (i)  
4 that is at least a 3-acre facility with a convenience store,  
5 (ii) with separate diesel islands for fueling commercial motor  
6 vehicles, (iii) that sells at retail more than 10,000 gallons  
7 of diesel or biodiesel fuel per month, and (iv) with parking  
8 spaces for commercial motor vehicles. "Commercial motor  
9 vehicles" has the same meaning as defined in Section 18b-101 of  
10 the Illinois Vehicle Code. The requirement of item (iii) of  
11 this paragraph may be met by showing that estimated future  
12 sales or past sales average at least 10,000 gallons per month.

13 ~~"Licensed large truck stop establishment" means a facility~~  
14 ~~located within 3 road miles from a freeway interchange, as~~  
15 ~~measured in accordance with the Department of Transportation's~~  
16 ~~rules regarding the criteria for the installation of business~~  
17 ~~signs: (i) that is at least a 3 acre facility with a~~  
18 ~~convenience store, (ii) with separate diesel islands for~~  
19 ~~fueling commercial motor vehicles, (iii) that sells at retail~~  
20 ~~more than 50,000 gallons of diesel or biodiesel fuel per month,~~  
21 ~~and (iv) with parking spaces for commercial motor vehicles.~~  
22 ~~"Commercial motor vehicles" has the same meaning as defined in~~  
23 ~~Section 18b-101 of the Illinois Vehicle Code. The requirement~~  
24 ~~of item (iii) of this paragraph may be met by showing that~~  
25 ~~estimated future sales or past sales average at least 50,000~~  
26 ~~gallons per month.~~

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 (230 ILCS 40/15)

3 Sec. 15. Minimum requirements for licensing and  
4 registration. Every video gaming terminal offered for play  
5 shall first be tested and approved pursuant to the rules of the  
6 Board, and each video gaming terminal offered in this State for  
7 play shall conform to an approved model. For the examination of  
8 video gaming machines and associated equipment as required by  
9 this Section, the Board ~~shall~~ may utilize the services of one  
10 or more independent outside testing laboratories that have been  
11 ~~accredited in accordance with ISO/IEC 17025 by an accreditation~~  
12 ~~body that is a signatory to the International Laboratory~~  
13 ~~Accreditation Cooperation Mutual Recognition Agreement~~  
14 ~~signifying they are qualified to~~ by a national accreditation  
15 body and that, in the judgment of the Board, are qualified to  
16 perform such examinations. Notwithstanding any law to the  
17 ~~contrary, the Board shall consider the licensing of independent~~  
18 ~~outside testing laboratory applicants in accordance with~~  
19 ~~procedures established by the Board by rule. The Board shall~~  
20 ~~not withhold its approval of an independent outside testing~~  
21 ~~laboratory license applicant that has been accredited as~~  
22 ~~required by this Section and is licensed in gaming~~  
23 ~~jurisdictions comparable to Illinois. Upon the finalization of~~  
24 ~~required rules, the Board shall license independent testing~~  
25 ~~laboratories and accept the test reports of any licensed~~

1 ~~testing laboratory of the video gaming machine's or associated~~  
2 ~~equipment manufacturer's choice, notwithstanding the existence~~  
3 ~~of contracts between the Board and any independent testing~~  
4 ~~laboratory.~~ Every video gaming terminal offered in this State  
5 for play must meet minimum standards set by an independent  
6 outside testing laboratory approved by the Board. Each approved  
7 model shall, at a minimum, meet the following criteria:

8 (1) It must conform to all requirements of federal law  
9 and regulations, including FCC Class A Emissions  
10 Standards.

11 (2) It must theoretically pay out a mathematically  
12 demonstrable percentage during the expected lifetime of  
13 the machine of all amounts played, which must not be less  
14 than 80%. The Board shall establish a maximum payout  
15 percentage for approved models by rule. Video gaming  
16 terminals that may be affected by skill must meet this  
17 standard when using a method of play that will provide the  
18 greatest return to the player over a period of continuous  
19 play.

20 (3) It must use a random selection process to determine  
21 the outcome of each play of a game. The random selection  
22 process must meet 99% confidence limits using a standard  
23 chi-squared test for (randomness) goodness of fit.

24 (4) It must display an accurate representation of the  
25 game outcome.

26 (5) It must not automatically alter pay tables or any

1 function of the video gaming terminal based on internal  
2 computation of hold percentage or have any means of  
3 manipulation that affects the random selection process or  
4 probabilities of winning a game.

5 (6) It must not be adversely affected by static  
6 discharge or other electromagnetic interference.

7 (7) It must be capable of detecting and displaying the  
8 following conditions during idle states or on demand: power  
9 reset; door open; and door just closed.

10 (8) It must have the capacity to display complete play  
11 history (outcome, intermediate play steps, credits  
12 available, bets placed, credits paid, and credits cashed  
13 out) for the most recent game played and 10 games prior  
14 thereto.

15 (9) The theoretical payback percentage of a video  
16 gaming terminal must not be capable of being changed  
17 without making a hardware or software change in the video  
18 gaming terminal, either on site or via the central  
19 communications system.

20 (10) Video gaming terminals must be designed so that  
21 replacement of parts or modules required for normal  
22 maintenance does not necessitate replacement of the  
23 electromechanical meters.

24 (11) It must have nonresettable meters housed in a  
25 locked area of the terminal that keep a permanent record of  
26 all cash inserted into the machine, all winnings made by

1 the terminal printer, credits played in for video gaming  
2 terminals, and credits won by video gaming players. The  
3 video gaming terminal must provide the means for on-demand  
4 display of stored information as determined by the Board.

5 (12) Electronically stored meter information required  
6 by this Section must be preserved for a minimum of 180 days  
7 after a power loss to the service.

8 (13) It must have one or more mechanisms that accept  
9 cash in the form of bills. The mechanisms shall be designed  
10 to prevent obtaining credits without paying by stringing,  
11 slamming, drilling, or other means. If such attempts at  
12 physical tampering are made, the video gaming terminal  
13 shall suspend itself from operating until reset.

14 (14) It shall have accounting software that keeps an  
15 electronic record which includes, but is not limited to,  
16 the following: total cash inserted into the video gaming  
17 terminal; the value of winning tickets claimed by players;  
18 the total credits played; the total credits awarded by a  
19 video gaming terminal; and pay back percentage credited to  
20 players of each video game.

21 (15) It shall be linked by a central communications  
22 system to provide auditing program information as approved  
23 by the Board. The central communications system shall use a  
24 standard industry protocol, as defined by the Gaming  
25 Standards Association, and shall have the functionality to  
26 enable the Board or its designee to activate or deactivate



1 individual gaming devices from the central communications  
2 system. In no event may the communications system approved  
3 by the Board limit participation to only one manufacturer  
4 of video gaming terminals by either the cost in  
5 implementing the necessary program modifications to  
6 communicate or the inability to communicate with the  
7 central communications system.

8 (16) The Board, in its discretion, may require video  
9 gaming terminals to display Amber Alert messages if the  
10 Board makes a finding that it would be economically and  
11 technically feasible and pose no risk to the integrity and  
12 security of the central communications system and video  
13 gaming terminals.

14 ~~Licensed terminal handlers shall have access to video~~  
15 ~~gaming terminals, including, but not limited to, logic door~~  
16 ~~access, without the physical presence or supervision of the~~  
17 ~~Board or its agent to perform, in coordination with and with~~  
18 ~~project approval from the central communication system~~  
19 ~~provider.~~

20 ~~(i) the clearing of the random access memory and~~  
21 ~~reprogramming of the video gaming terminal;~~

22 ~~(ii) the installation of new video gaming terminal~~  
23 ~~software and software upgrades that have been approved by~~  
24 ~~the Board;~~

25 ~~(iii) the placement, connection to the central~~  
26 ~~communication system, and go live operation of video~~

1 ~~gaming terminals at a licensed establishment, licensed~~  
2 ~~truck stop establishment, licensed large truck stop~~  
3 ~~establishment, licensed fraternal establishment, or~~  
4 ~~licensed veterans establishment;~~

5 ~~(iv) the repair and maintenance of a video gaming~~  
6 ~~terminal located at a licensed establishment, licensed~~  
7 ~~truck stop establishment, licensed large truck stop~~  
8 ~~establishment, licensed fraternal establishment, or~~  
9 ~~licensed veterans establishment, including, but not~~  
10 ~~limited to, the replacement of the video gaming terminal~~  
11 ~~with a new video gaming terminal;~~

12 ~~(v) the temporary movement, disconnection,~~  
13 ~~replacement, and reconnection of video gaming terminals to~~  
14 ~~allow for physical improvements and repairs at a licensed~~  
15 ~~establishment, licensed truck stop establishment, licensed~~  
16 ~~large truck stop establishment, licensed fraternal~~  
17 ~~establishment, or licensed veterans establishment, such as~~  
18 ~~replacement of flooring, interior repairs, and other~~  
19 ~~similar activities; and~~

20 ~~(vi) such other functions as the Board may otherwise~~  
21 ~~authorize.~~

22 ~~The Board shall, at a licensed terminal operator's expense,~~  
23 ~~cause all keys and other required devices to be provided to a~~  
24 ~~terminal operator necessary to allow the licensed terminal~~  
25 ~~handler access to the logic door to the terminal operator's~~  
26 ~~video gaming terminals.~~

1           The Board may adopt rules to establish additional criteria  
2 to preserve the integrity and security of video gaming in this  
3 State. The central communications system vendor may be licensed  
4 as a video gaming terminal manufacturer or a video gaming  
5 terminal distributor, or both, but in no event shall the  
6 central communications system vendor be licensed as a video  
7 gaming terminal operator.

8           The Board shall not permit the development of information  
9 or the use by any licensee of gaming device or individual game  
10 performance data. Nothing in this Act shall inhibit or prohibit  
11 the Board from the use of gaming device or individual game  
12 performance data in its regulatory duties. The Board shall  
13 adopt rules to ensure that all licensees are treated and all  
14 licensees act in a non-discriminatory manner and develop  
15 processes and penalties to enforce those rules.

16           (Source: P.A. 101-31, eff. 6-28-19.)

17           (230 ILCS 40/20)

18           Sec. 20. ~~Video gaming terminal payouts~~ Direct dispensing of  
19 receipt tickets only.

20           ~~(a)~~ A video gaming terminal may not directly dispense  
21 coins, cash, tokens, or any other article of exchange or value  
22 except for receipt tickets. Tickets shall be dispensed by  
23 pressing the ticket dispensing button on the video gaming  
24 terminal at the end of one's turn or play. The ticket shall  
25 indicate the total amount of credits and the cash award, the

1 time of day in a 24-hour format showing hours and minutes, the  
2 date, the terminal serial number, the sequential number of the  
3 ticket, and an encrypted validation number from which the  
4 validity of the prize may be determined. The player shall turn  
5 in this ticket to the appropriate person at the licensed  
6 establishment, licensed truck stop establishment, ~~licensed~~  
7 ~~large truck stop establishment,~~ licensed fraternal  
8 establishment, or licensed veterans establishment to receive  
9 the cash award.

10 ~~(b)~~ The cost of the credit shall be one cent, 5 cents, 10  
11 cents, or 25 cents, ~~or \$1,~~ and the maximum wager played per  
12 hand shall not exceed ~~\$4~~ \$2. No cash award for the maximum  
13 wager on any individual hand shall exceed ~~\$1,199~~ \$500. ~~No cash~~  
14 ~~award for the maximum wager on a jackpot, progressive or~~  
15 ~~otherwise, shall exceed \$10,000.~~

16 ~~(c) In location bonus jackpot games are hereby authorized.~~  
17 ~~The Board shall adopt emergency rules pursuant to Section 5-45~~  
18 ~~of the Illinois Administrative Procedure Act to implement this~~  
19 ~~subsection (c) within 90 days after the effective date of this~~  
20 ~~amendatory Act of the 101st General Assembly. Jackpot winnings~~  
21 ~~from in location progressive games shall be paid by the~~  
22 ~~terminal operator to the player not later than 3 days after~~  
23 ~~winning such a jackpot.~~

24 (Source: P.A. 101-31, eff. 6-28-19.)

1           Sec. 25. Restriction of licensees.

2           (a) Manufacturer. A person may not be licensed as a  
3 manufacturer of a video gaming terminal in Illinois unless the  
4 person has a valid manufacturer's license issued under this  
5 Act. A manufacturer may only sell video gaming terminals for  
6 use in Illinois to persons having a valid distributor's  
7 license.

8           (b) Distributor. A person may not sell, distribute, or  
9 lease or market a video gaming terminal in Illinois unless the  
10 person has a valid distributor's license issued under this Act.  
11 A distributor may only sell video gaming terminals for use in  
12 Illinois to persons having a valid distributor's or terminal  
13 operator's license.

14           (c) Terminal operator. A person may not own, maintain, or  
15 place a video gaming terminal unless he has a valid terminal  
16 operator's license issued under this Act. A terminal operator  
17 may only place video gaming terminals for use in Illinois in  
18 licensed establishments, licensed truck stop establishments,  
19 ~~licensed large truck stop establishments,~~ licensed fraternal  
20 establishments, and licensed veterans establishments. No  
21 terminal operator may give anything of value, including but not  
22 limited to a loan or financing arrangement, to a licensed  
23 establishment, licensed truck stop establishment, ~~licensed~~  
24 ~~large truck stop establishment,~~ licensed fraternal  
25 establishment, or licensed veterans establishment as any  
26 incentive or inducement to locate video terminals in that

1 establishment. Of the after-tax profits from a video gaming  
2 terminal, 50% shall be paid to the terminal operator and 50%  
3 shall be paid to the licensed establishment, licensed truck  
4 stop establishment, ~~licensed large truck stop establishment,~~  
5 licensed fraternal establishment, or licensed veterans  
6 establishment, notwithstanding any agreement to the contrary.  
7 A video terminal operator that violates one or more  
8 requirements of this subsection is guilty of a Class 4 felony  
9 and is subject to termination of his or her license by the  
10 Board.

11 (d) Licensed technician. A person may not service,  
12 maintain, or repair a video gaming terminal in this State  
13 unless he or she (1) has a valid technician's license issued  
14 under this Act, (2) is a terminal operator, or (3) is employed  
15 by a terminal operator, distributor, or manufacturer.

16 (d-5) Licensed terminal handler. No person, including, but  
17 not limited to, an employee or independent contractor working  
18 for a manufacturer, distributor, supplier, technician, or  
19 terminal operator licensed pursuant to this Act, shall have  
20 possession or control of a video gaming terminal, or access to  
21 the inner workings of a video gaming terminal, unless that  
22 person possesses a valid terminal handler's license issued  
23 under this Act.

24 (e) Licensed establishment. No video gaming terminal may be  
25 placed in any licensed establishment, licensed veterans  
26 establishment, licensed truck stop establishment, ~~licensed~~

1 ~~large truck stop establishment,~~ or licensed fraternal  
2 establishment unless the owner or agent of the owner of the  
3 licensed establishment, licensed veterans establishment,  
4 licensed truck stop establishment, ~~licensed large truck stop~~  
5 ~~establishment,~~ or licensed fraternal establishment has entered  
6 into a written use agreement with the terminal operator for  
7 placement of the terminals. A copy of the use agreement shall  
8 be on file in the terminal operator's place of business and  
9 available for inspection by individuals authorized by the  
10 Board. A licensed establishment, licensed truck stop  
11 establishment, licensed veterans establishment, or licensed  
12 fraternal establishment may operate up to ~~6~~ 5 video gaming  
13 terminals on its premises at any time. ~~A licensed large truck~~  
14 ~~stop establishment may operate up to 10 video gaming terminals~~  
15 ~~on its premises at any time.~~

16 (f) (Blank).

17 (g) Financial interest restrictions. As used in this Act,  
18 "substantial interest" in a partnership, a corporation, an  
19 organization, an association, a business, or a limited  
20 liability company means:

21 (A) When, with respect to a sole proprietorship, an  
22 individual or his or her spouse owns, operates, manages, or  
23 conducts, directly or indirectly, the organization,  
24 association, or business, or any part thereof; or

25 (B) When, with respect to a partnership, the individual  
26 or his or her spouse shares in any of the profits, or

1 potential profits, of the partnership activities; or

2 (C) When, with respect to a corporation, an individual  
3 or his or her spouse is an officer or director, or the  
4 individual or his or her spouse is a holder, directly or  
5 beneficially, of 5% or more of any class of stock of the  
6 corporation; or

7 (D) When, with respect to an organization not covered  
8 in (A), (B) or (C) above, an individual or his or her  
9 spouse is an officer or manages the business affairs, or  
10 the individual or his or her spouse is the owner of or  
11 otherwise controls 10% or more of the assets of the  
12 organization; or

13 (E) When an individual or his or her spouse furnishes  
14 5% or more of the capital, whether in cash, goods, or  
15 services, for the operation of any business, association,  
16 or organization during any calendar year; or

17 (F) When, with respect to a limited liability company,  
18 an individual or his or her spouse is a member, or the  
19 individual or his or her spouse is a holder, directly or  
20 beneficially, of 5% or more of the membership interest of  
21 the limited liability company.

22 For purposes of this subsection (g), "individual" includes  
23 all individuals or their spouses whose combined interest would  
24 qualify as a substantial interest under this subsection (g) and  
25 whose activities with respect to an organization, association,  
26 or business are so closely aligned or coordinated as to



1 constitute the activities of a single entity.

2 (h) Location restriction. A licensed establishment,  
3 licensed truck stop establishment, ~~licensed large truck stop~~  
4 ~~establishment~~, licensed fraternal establishment, or licensed  
5 veterans establishment that is (i) located within 1,000 feet of  
6 a facility operated by an organization licensee licensed under  
7 the Illinois Horse Racing Act of 1975 or the home dock of a  
8 riverboat licensed under the ~~Illinois~~ Riverboat Gambling Act or  
9 (ii) located within 100 feet of a school or a place of worship  
10 under the Religious Corporation Act, is ineligible to operate a  
11 video gaming terminal. The location restrictions in this  
12 subsection (h) do not apply if (A) a facility operated by an  
13 organization licensee, a school, or a place of worship moves to  
14 or is established within the restricted area after a licensed  
15 establishment, licensed truck stop establishment, ~~licensed~~  
16 ~~large truck stop establishment~~, licensed fraternal  
17 establishment, or licensed veterans establishment becomes  
18 licensed under this Act or (B) a school or place of worship  
19 moves to or is established within the restricted area after a  
20 licensed establishment, licensed truck stop establishment,  
21 ~~licensed large truck stop establishment~~, licensed fraternal  
22 establishment, or licensed veterans establishment obtains its  
23 original liquor license. For the purpose of this subsection,  
24 "school" means an elementary or secondary public school, or an  
25 elementary or secondary private school registered with or  
26 recognized by the State Board of Education.

1           Notwithstanding the provisions of this subsection (h), the  
2 Board may waive the requirement that a licensed establishment,  
3 licensed truck stop establishment, ~~licensed large truck stop~~  
4 ~~establishment~~, licensed fraternal establishment, or licensed  
5 veterans establishment not be located within 1,000 feet from a  
6 facility operated by an organization licensee licensed under  
7 the Illinois Horse Racing Act of 1975 or the home dock of a  
8 riverboat licensed under the ~~Illinois~~ Riverboat Gambling Act.  
9 The Board shall not grant such waiver if there is any common  
10 ownership or control, shared business activity, or contractual  
11 arrangement of any type between the establishment and the  
12 organization licensee or owners licensee of a riverboat. The  
13 Board shall adopt rules to implement the provisions of this  
14 paragraph.

15           ~~(h-5) Restrictions on licenses in malls. The Board shall~~  
16 ~~not grant an application to become a licensed video gaming~~  
17 ~~location if the Board determines that granting the application~~  
18 ~~would more likely than not cause a terminal operator,~~  
19 ~~individually or in combination with other terminal operators,~~  
20 ~~licensed video gaming location, or other person or entity, to~~  
21 ~~operate the video gaming terminals in 2 or more licensed video~~  
22 ~~gaming locations as a single video gaming operation.~~

23           ~~(1) In making determinations under this subsection~~  
24 ~~(h-5), factors to be considered by the Board shall include,~~  
25 ~~but not be limited to, the following:~~

26           ~~(A) the physical aspects of the location;~~

1           ~~(B) the ownership, control, or management of the~~  
2           ~~location;~~

3           ~~(C) any arrangements, understandings, or~~  
4           ~~agreements, written or otherwise, among or involving~~  
5           ~~any persons or entities that involve the conducting of~~  
6           ~~any video gaming business or the sharing of costs or~~  
7           ~~revenues; and~~

8           ~~(D) the manner in which any terminal operator or~~  
9           ~~other related entity markets, advertises, or otherwise~~  
10          ~~describes any location or locations to any other person~~  
11          ~~or entity or to the public.~~

12          ~~(2) The Board shall presume, subject to rebuttal, that~~  
13          ~~the granting of an application to become a licensed video~~  
14          ~~gaming location within a mall will cause a terminal~~  
15          ~~operator, individually or in combination with other~~  
16          ~~persons or entities, to operate the video gaming terminals~~  
17          ~~in 2 or more licensed video gaming locations as a single~~  
18          ~~video gaming operation if the Board determines that~~  
19          ~~granting the license would create a local concentration of~~  
20          ~~licensed video gaming locations.~~

21          ~~For the purposes of this subsection (h-5):~~

22          ~~"Mall" means a building, or adjoining or connected~~  
23          ~~buildings, containing 4 or more separate locations.~~

24          ~~"Video gaming operation" means the conducting of video~~  
25          ~~gaming and all related activities.~~

26          ~~"Location" means a space within a mall containing a~~

1 ~~separate business, a place for a separate business, or a place~~  
2 ~~subject to a separate leasing arrangement by the mall owner.~~

3 ~~"Licensed video gaming location" means a licensed~~  
4 ~~establishment, licensed fraternal establishment, licensed~~  
5 ~~veterans establishment, licensed truck stop establishment, or~~  
6 ~~licensed large truck stop.~~

7 ~~"Local concentration of licensed video gaming locations"~~  
8 ~~means that the combined number of licensed video gaming~~  
9 ~~locations within a mall exceed half of the separate locations~~  
10 ~~within the mall.~~

11 (i) Undue economic concentration. In addition to  
12 considering all other requirements under this Act, in deciding  
13 whether to approve the operation of video gaming terminals by a  
14 terminal operator in a location, the Board shall consider the  
15 impact of any economic concentration of such operation of video  
16 gaming terminals. The Board shall not allow a terminal operator  
17 to operate video gaming terminals if the Board determines such  
18 operation will result in undue economic concentration. For  
19 purposes of this Section, "undue economic concentration" means  
20 that a terminal operator would have such actual or potential  
21 influence over video gaming terminals in Illinois as to:

22 (1) substantially impede or suppress competition among  
23 terminal operators;

24 (2) adversely impact the economic stability of the  
25 video gaming industry in Illinois; or

26 (3) negatively impact the purposes of the Video Gaming

1 Act.

2 The Board shall adopt rules concerning undue economic  
3 concentration with respect to the operation of video gaming  
4 terminals in Illinois. The rules shall include, but not be  
5 limited to, (i) limitations on the number of video gaming  
6 terminals operated by any terminal operator within a defined  
7 geographic radius and (ii) guidelines on the discontinuation of  
8 operation of any such video gaming terminals the Board  
9 determines will cause undue economic concentration.

10 (j) The provisions of the Illinois Antitrust Act are fully  
11 and equally applicable to the activities of any licensee under  
12 this Act.

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 (230 ILCS 40/30)

15 Sec. 30. Multiple types of licenses prohibited. A video  
16 gaming terminal manufacturer may not be licensed as a video  
17 gaming terminal operator or own, manage, or control a licensed  
18 establishment, licensed truck stop establishment, ~~licensed~~  
19 ~~large truck stop establishment,~~ licensed fraternal  
20 establishment, or licensed veterans establishment, and shall  
21 be licensed to sell only to persons having a valid  
22 distributor's license or, if the manufacturer also holds a  
23 valid distributor's license, to sell, distribute, lease, or  
24 market to persons having a valid terminal operator's license. A  
25 video gaming terminal distributor may not be licensed as a

1 video gaming terminal operator or own, manage, or control a  
2 licensed establishment, licensed truck stop establishment,  
3 ~~licensed large truck stop establishment,~~ licensed fraternal  
4 establishment, or licensed veterans establishment, and shall  
5 only contract with a licensed terminal operator. A video gaming  
6 terminal operator may not be licensed as a video gaming  
7 terminal manufacturer or distributor or own, manage, or control  
8 a licensed establishment, licensed truck stop establishment,  
9 ~~licensed large truck stop establishment,~~ licensed fraternal  
10 establishment, or licensed veterans establishment, and shall  
11 be licensed only to contract with licensed distributors and  
12 licensed establishments, licensed truck stop establishments,  
13 ~~licensed large truck stop establishments,~~ licensed fraternal  
14 establishments, and licensed veterans establishments. An owner  
15 or manager of a licensed establishment, licensed truck stop  
16 establishment, ~~licensed large truck stop establishment,~~  
17 licensed fraternal establishment, or licensed veterans  
18 establishment may not be licensed as a video gaming terminal  
19 manufacturer, distributor, or operator, and shall only  
20 contract with a licensed operator to place and service this  
21 equipment.

22 (Source: P.A. 101-31, eff. 6-28-19.)

23 (230 ILCS 40/35)

24 Sec. 35. Display of license; confiscation; violation as  
25 felony.

1           (a) Each video gaming terminal shall be licensed by the  
2 Board before placement or operation on the premises of a  
3 licensed establishment, licensed truck stop establishment,  
4 ~~licensed large truck stop establishment,~~ licensed fraternal  
5 establishment, or licensed veterans establishment. The license  
6 of each video gaming terminal shall be maintained at the  
7 location where the video gaming terminal is operated. Failure  
8 to do so is a petty offense with a fine not to exceed \$100. Any  
9 licensed establishment, licensed truck stop establishment,  
10 ~~licensed large truck stop establishment,~~ licensed fraternal  
11 establishment, or licensed veterans establishment used for the  
12 conduct of gambling games in violation of this Act shall be  
13 considered a gambling place in violation of Section 28-3 of the  
14 Criminal Code of 2012. Every gambling device found in a  
15 licensed establishment, licensed truck stop establishment,  
16 ~~licensed large truck stop establishment,~~ licensed fraternal  
17 establishment, or licensed veterans establishment operating  
18 gambling games in violation of this Act shall be subject to  
19 seizure, confiscation, and destruction as provided in Section  
20 28-5 of the Criminal Code of 2012. Any license issued under the  
21 Liquor Control Act of 1934 to any owner or operator of a  
22 licensed establishment, licensed truck stop establishment,  
23 ~~licensed large truck stop establishment,~~ licensed fraternal  
24 establishment, or licensed veterans establishment that  
25 operates or permits the operation of a video gaming terminal  
26 within its establishment in violation of this Act shall be

1 immediately revoked. No person may own, operate, have in his or  
2 her possession or custody or under his or her control, or  
3 permit to be kept in any place under his or her possession or  
4 control, any device that awards credits and contains a circuit,  
5 meter, or switch capable of removing and recording the removal  
6 of credits when the award of credits is dependent upon chance.

7 Nothing in this Section shall be deemed to prohibit the use  
8 of a game device only if the game device is used in an activity  
9 that is not gambling under subsection (b) of Section 28-1 of  
10 the Criminal Code of 2012.

11 A violation of this Section is a Class 4 felony. All  
12 devices that are owned, operated, or possessed in violation of  
13 this Section are hereby declared to be public nuisances and  
14 shall be subject to seizure, confiscation, and destruction as  
15 provided in Section 28-5 of the Criminal Code of 2012.

16 The provisions of this Section do not apply to devices or  
17 electronic video game terminals licensed pursuant to this Act.  
18 A video gaming terminal operated for amusement only and bearing  
19 a valid amusement tax sticker shall not be subject to this  
20 Section until 30 days after the Board establishes that the  
21 central communications system is functional.

22 (b) (1) The odds of winning each video game shall be posted  
23 on or near each video gaming terminal. The manner in which the  
24 odds are calculated and how they are posted shall be determined  
25 by the Board by rule.

26 (2) No video gaming terminal licensed under this Act may be



1 played except during the legal hours of operation allowed for  
2 the consumption of alcoholic beverages at the licensed  
3 establishment, licensed fraternal establishment, or licensed  
4 veterans establishment. A licensed establishment, licensed  
5 fraternal establishment, or licensed veterans establishment  
6 that violates this subsection is subject to termination of its  
7 license by the Board.

8 (Source: P.A. 101-31, eff. 6-28-19.)

9 (230 ILCS 40/45)

10 Sec. 45. Issuance of license.

11 (a) The burden is upon each applicant to demonstrate his  
12 suitability for licensure. Each video gaming terminal  
13 manufacturer, distributor, supplier, operator, handler,  
14 licensed establishment, licensed truck stop establishment,  
15 ~~licensed large truck stop establishment,~~ licensed fraternal  
16 establishment, and licensed veterans establishment shall be  
17 licensed by the Board. The Board may issue or deny a license  
18 under this Act to any person pursuant to the same criteria set  
19 forth in Section 9 of the ~~Illinois~~ Riverboat Gambling Act.

20 (a-5) The Board shall not grant a license to a person who  
21 has facilitated, enabled, or participated in the use of  
22 coin-operated devices for gambling purposes or who is under the  
23 significant influence or control of such a person. For the  
24 purposes of this Act, "facilitated, enabled, or participated in  
25 the use of coin-operated amusement devices for gambling

1 purposes" means that the person has been convicted of any  
2 violation of Article 28 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012. If there is pending legal action against  
4 a person for any such violation, then the Board shall delay the  
5 licensure of that person until the legal action is resolved.

6 (b) Each person seeking and possessing a license as a video  
7 gaming terminal manufacturer, distributor, supplier, operator,  
8 handler, licensed establishment, licensed truck stop  
9 establishment, ~~licensed large truck stop establishment,~~  
10 licensed fraternal establishment, or licensed veterans  
11 establishment shall submit to a background investigation  
12 conducted by the Board with the assistance of the State Police  
13 or other law enforcement. To the extent that the corporate  
14 structure of the applicant allows, the background  
15 investigation shall include any or all of the following as the  
16 Board deems appropriate or as provided by rule for each  
17 category of licensure: (i) each beneficiary of a trust, (ii)  
18 each partner of a partnership, (iii) each member of a limited  
19 liability company, (iv) each director and officer of a publicly  
20 or non-publicly held corporation, (v) each stockholder of a  
21 non-publicly held corporation, (vi) each stockholder of 5% or  
22 more of a publicly held corporation, or (vii) each stockholder  
23 of 5% or more in a parent or subsidiary corporation.

24 (c) Each person seeking and possessing a license as a video  
25 gaming terminal manufacturer, distributor, supplier, operator,  
26 handler, licensed establishment, licensed truck stop

1 establishment, ~~licensed large truck stop establishment,~~  
2 licensed fraternal establishment, or licensed veterans  
3 establishment shall disclose the identity of every person,  
4 association, trust, corporation, or limited liability company  
5 having a greater than 1% direct or indirect pecuniary interest  
6 in the video gaming terminal operation for which the license is  
7 sought. If the disclosed entity is a trust, the application  
8 shall disclose the names and addresses of the beneficiaries; if  
9 a corporation, the names and addresses of all stockholders and  
10 directors; if a limited liability company, the names and  
11 addresses of all members; or if a partnership, the names and  
12 addresses of all partners, both general and limited.

13 (d) No person may be licensed as a video gaming terminal  
14 manufacturer, distributor, supplier, operator, handler,  
15 licensed establishment, licensed truck stop establishment,  
16 ~~licensed large truck stop establishment,~~ licensed fraternal  
17 establishment, or licensed veterans establishment if that  
18 person has been found by the Board to:

19 (1) have a background, including a criminal record,  
20 reputation, habits, social or business associations, or  
21 prior activities that pose a threat to the public interests  
22 of the State or to the security and integrity of video  
23 gaming;

24 (2) create or enhance the dangers of unsuitable,  
25 unfair, or illegal practices, methods, and activities in  
26 the conduct of video gaming; or

1 (3) present questionable business practices and  
2 financial arrangements incidental to the conduct of video  
3 gaming activities.

4 (e) Any applicant for any license under this Act has the  
5 burden of proving his or her qualifications to the satisfaction  
6 of the Board. The Board may adopt rules to establish additional  
7 qualifications and requirements to preserve the integrity and  
8 security of video gaming in this State.

9 (f) A non-refundable application fee shall be paid at the  
10 time an application for a license is filed with the Board in  
11 the following amounts:

- 12 (1) Manufacturer ..... \$5,000
- 13 (2) Distributor..... \$5,000
- 14 (3) Terminal operator..... \$5,000
- 15 (4) Supplier ..... \$2,500
- 16 (5) Technician ..... \$100
- 17 (6) Terminal Handler ..... \$100
- 18 (7) Licensed establishment, licensed truck stop  
19 establishment, ~~licensed large truck stop establishment,~~  
20 licensed fraternal establishment, or licensed  
21 veterans establishment ..... \$100

22 (g) The Board shall establish an annual fee for each  
23 license not to exceed the following:

- 24 (1) Manufacturer ..... \$10,000
- 25 (2) Distributor..... \$10,000
- 26 (3) Terminal operator..... \$5,000

- 1 (4) Supplier ..... \$2,000
- 2 (5) Technician ..... \$100
- 3 (6) Licensed establishment, licensed truck stop
- 4 establishment, ~~licensed large truck stop establishment,~~
- 5 licensed fraternal establishment, or licensed
- 6 veterans establishment ..... \$100
- 7 (7) Video gaming terminal..... \$100
- 8 (8) Terminal Handler ..... \$100
- 9 (h) A terminal operator and a licensed establishment,
- 10 licensed truck stop establishment, ~~licensed large truck stop~~
- 11 ~~establishment,~~ licensed fraternal establishment, or licensed
- 12 veterans establishment shall equally split the fees specified
- 13 in item (7) of subsection (g).
- 14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (230 ILCS 40/55)

16 Sec. 55. Precondition for licensed location. In all cases  
 17 of application for a licensed location, to operate a video  
 18 gaming terminal, each licensed establishment, licensed  
 19 fraternal establishment, or licensed veterans establishment  
 20 shall possess a valid liquor license issued by the Illinois  
 21 Liquor Control Commission in effect at the time of application  
 22 and at all times thereafter during which a video gaming  
 23 terminal is made available to the public for play at that  
 24 location. Video gaming terminals in a licensed location shall  
 25 be operated only during the same hours of operation generally

1 permitted to holders of a license under the Liquor Control Act  
2 of 1934 within the unit of local government in which they are  
3 located. A licensed truck stop establishment ~~or licensed large~~  
4 ~~truck stop establishment~~ that does not hold a liquor license  
5 may operate video gaming terminals on a continuous basis. A  
6 licensed fraternal establishment or licensed veterans  
7 establishment that does not hold a liquor license may operate  
8 video gaming terminals if (i) the establishment is located in a  
9 county with a population between 6,500 and 7,000, based on the  
10 2000 U.S. Census, (ii) the county prohibits by ordinance the  
11 sale of alcohol, and (iii) the establishment is in a portion of  
12 the county where the sale of alcohol is prohibited. A licensed  
13 fraternal establishment or licensed veterans establishment  
14 that does not hold a liquor license may operate video gaming  
15 terminals if (i) the establishment is located in a municipality  
16 within a county with a population between 8,500 and 9,000 based  
17 on the 2000 U.S. Census and (ii) the municipality or county  
18 prohibits or limits the sale of alcohol by ordinance in a way  
19 that prohibits the establishment from selling alcohol.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 40/58)

22 Sec. 58. Location of terminals. Video gaming terminals  
23 must be located in an area restricted to persons over 21 years  
24 of age the entrance to which is within the view of at least one  
25 employee, who is over 21 years of age, of the establishment in

1 which they are located. The placement of video gaming terminals  
2 in licensed establishments, licensed truck stop  
3 establishments, ~~licensed large truck stop establishments,~~  
4 licensed fraternal establishments, and licensed veterans  
5 establishments shall be subject to the rules promulgated by the  
6 Board pursuant to the Illinois Administrative Procedure Act.

7 (Source: P.A. 101-31, eff. 6-28-19.)

8 (230 ILCS 40/60)

9 Sec. 60. Imposition and distribution of tax.

10 (a) A tax of 30% is imposed on net terminal income and  
11 shall be collected by the Board.

12 (b) Of the tax collected under this ~~subsection (a)~~ Section,  
13 five-sixths shall be deposited into the Capital Projects Fund  
14 and one-sixth shall be deposited into the Local Government  
15 Video Gaming Distributive Fund.

16 ~~(b) Beginning on July 1, 2019, an additional tax of 3% is~~  
17 ~~imposed on net terminal income and shall be collected by the~~  
18 ~~Board.~~

19 ~~Beginning on July 1, 2020, an additional tax of 1% is~~  
20 ~~imposed on net terminal income and shall be collected by the~~  
21 ~~Board.~~

22 ~~The tax collected under this subsection (b) shall be~~  
23 ~~deposited into the Capital Projects Fund.~~

24 (c) Revenues generated from the play of video gaming  
25 terminals shall be deposited by the terminal operator, who is

1 responsible for tax payments, in a specially created, separate  
2 bank account maintained by the video gaming terminal operator  
3 to allow for electronic fund transfers of moneys for tax  
4 payment.

5 (d) Each licensed establishment, licensed truck stop  
6 establishment, ~~licensed large truck stop establishment,~~  
7 licensed fraternal establishment, and licensed veterans  
8 establishment shall maintain an adequate video gaming fund,  
9 with the amount to be determined by the Board.

10 (e) The State's percentage of net terminal income shall be  
11 reported and remitted to the Board within 15 days after the  
12 15th day of each month and within 15 days after the end of each  
13 month by the video terminal operator. A video terminal operator  
14 who falsely reports or fails to report the amount due required  
15 by this Section is guilty of a Class 4 felony and is subject to  
16 termination of his or her license by the Board. Each video  
17 terminal operator shall keep a record of net terminal income in  
18 such form as the Board may require. All payments not remitted  
19 when due shall be paid together with a penalty assessment on  
20 the unpaid balance at a rate of 1.5% per month.

21 (Source: P.A. 101-31, eff. 6-28-19.)

22 (230 ILCS 40/79)

23 Sec. 79. Investigators. Investigators appointed by the  
24 Board pursuant to the powers conferred upon the Board by  
25 paragraph (20.6) of subsection (c) of Section 5 of the ~~Illinois~~



1 Riverboat Gambling Act and Section 80 of this Act shall have  
2 authority to conduct investigations, searches, seizures,  
3 arrests, and other duties imposed under this Act and the  
4 ~~Illinois~~ Riverboat Gambling Act, as deemed necessary by the  
5 Board. These investigators have and may exercise all of the  
6 rights and powers of peace officers, provided that these powers  
7 shall be (1) limited to offenses or violations occurring or  
8 committed in connection with conduct subject to this Act,  
9 including, but not limited to, the manufacture, distribution,  
10 supply, operation, placement, service, maintenance, or play of  
11 video gaming terminals and the distribution of profits and  
12 collection of revenues resulting from such play, and (2)  
13 exercised, to the fullest extent practicable, in cooperation  
14 with the local police department of the applicable municipality  
15 or, if these powers are exercised outside the boundaries of an  
16 incorporated municipality or within a municipality that does  
17 not have its own police department, in cooperation with the  
18 police department whose jurisdiction encompasses the  
19 applicable locality.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 40/80)

22 Sec. 80. Applicability of Illinois Riverboat Gambling Act.  
23 The provisions of the Illinois Riverboat Gambling Act, and all  
24 rules promulgated thereunder, shall apply to the Video Gaming  
25 Act, except where there is a conflict between the 2 Acts. ~~In~~

1 ~~the event of a conflict between the 2 Acts, the provisions of~~  
2 ~~the Illinois Gambling Act shall prevail.~~ All current supplier  
3 licensees under the ~~Illinois~~ Riverboat Gambling Act shall be  
4 entitled to licensure under the Video Gaming Act as  
5 manufacturers, distributors, or suppliers without additional  
6 Board investigation or approval, except by vote of the Board;  
7 however, they are required to pay application and annual fees  
8 under this Act. All provisions of the Uniform Penalty and  
9 Interest Act shall apply, as far as practicable, to the subject  
10 matter of this Act to the same extent as if such provisions  
11 were included herein.

12 (Source: P.A. 101-31, eff. 6-28-19.)

13 Section 10-440. The Liquor Control Act of 1934 is amended  
14 by changing Sections 5-1 and 6-30 as follows:

15 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

16 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
17 Commission shall be of the following classes:

18 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
19 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
20 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
21 First Class Winemaker, Class 7. Second Class Winemaker, Class  
22 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
23 10. Class 1 Craft Distiller, Class 11. Class 2 Craft Distiller,  
24 Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,

- 1 (b) Distributor's license,
- 2 (c) Importing Distributor's license,
- 3 (d) Retailer's license,
- 4 (e) Special Event Retailer's license (not-for-profit),
- 5 (f) Railroad license,
- 6 (g) Boat license,
- 7 (h) Non-Beverage User's license,
- 8 (i) Wine-maker's premises license,
- 9 (j) Airplane license,
- 10 (k) Foreign importer's license,
- 11 (l) Broker's license,
- 12 (m) Non-resident dealer's license,
- 13 (n) Brew Pub license,
- 14 (o) Auction liquor license,
- 15 (p) Caterer retailer license,
- 16 (q) Special use permit license,
- 17 (r) Winery shipper's license,
- 18 (s) Craft distiller tasting permit,
- 19 (t) Brewer warehouse permit,
- 20 (u) Distilling pub license,
- 21 (v) Craft distiller warehouse permit.

22 No person, firm, partnership, corporation, or other legal  
23 business entity that is engaged in the manufacturing of wine  
24 may concurrently obtain and hold a wine-maker's license and a  
25 wine manufacturer's license.

- 26 (a) A manufacturer's license shall allow the manufacture,

1 importation in bulk, storage, distribution and sale of  
2 alcoholic liquor to persons without the State, as may be  
3 permitted by law and to licensees in this State as follows:

4 Class 1. A Distiller may make sales and deliveries of  
5 alcoholic liquor to distillers, rectifiers, importing  
6 distributors, distributors and non-beverage users and to no  
7 other licensees.

8 Class 2. A Rectifier, who is not a distiller, as defined  
9 herein, may make sales and deliveries of alcoholic liquor to  
10 rectifiers, importing distributors, distributors, retailers  
11 and non-beverage users and to no other licensees.

12 Class 3. A Brewer may make sales and deliveries of beer to  
13 importing distributors and distributors and may make sales as  
14 authorized under subsection (e) of Section 6-4 of this Act.

15 Class 4. A first class wine-manufacturer may make sales and  
16 deliveries of up to 50,000 gallons of wine to manufacturers,  
17 importing distributors and distributors, and to no other  
18 licensees.

19 Class 5. A second class Wine manufacturer may make sales  
20 and deliveries of more than 50,000 gallons of wine to  
21 manufacturers, importing distributors and distributors and to  
22 no other licensees.

23 Class 6. A first-class wine-maker's license shall allow the  
24 manufacture of up to 50,000 gallons of wine per year, and the  
25 storage and sale of such wine to distributors in the State and  
26 to persons without the State, as may be permitted by law. A

1 person who, prior to June 1, 2008 (the effective date of Public  
2 Act 95-634), is a holder of a first-class wine-maker's license  
3 and annually produces more than 25,000 gallons of its own wine  
4 and who distributes its wine to licensed retailers shall cease  
5 this practice on or before July 1, 2008 in compliance with  
6 Public Act 95-634.

7 Class 7. A second-class wine-maker's license shall allow  
8 the manufacture of between 50,000 and 150,000 gallons of wine  
9 per year, and the storage and sale of such wine to distributors  
10 in this State and to persons without the State, as may be  
11 permitted by law. A person who, prior to June 1, 2008 (the  
12 effective date of Public Act 95-634), is a holder of a  
13 second-class wine-maker's license and annually produces more  
14 than 25,000 gallons of its own wine and who distributes its  
15 wine to licensed retailers shall cease this practice on or  
16 before July 1, 2008 in compliance with Public Act 95-634.

17 Class 8. A limited wine-manufacturer may make sales and  
18 deliveries not to exceed 40,000 gallons of wine per year to  
19 distributors, and to non-licensees in accordance with the  
20 provisions of this Act.

21 Class 9. A craft distiller license, which may only be held  
22 by a class 1 craft distiller licensee or class 2 craft  
23 distiller licensee but not held by both a class 1 craft  
24 distiller licensee and a class 2 craft distiller licensee,  
25 shall grant all rights conveyed by either: (i) a class 1 craft  
26 distiller license if the craft distiller holds a class 1 craft

1 distiller license; or (ii) a class 2 craft distiller licensee  
2 if the craft distiller holds a class 2 craft distiller license.

3 Class 10. A class 1 craft distiller license, which may only  
4 be issued to a licensed craft distiller or licensed  
5 non-resident dealer, shall allow the manufacture of up to  
6 50,000 gallons of spirits per year provided that the class 1  
7 craft distiller licensee does not manufacture more than a  
8 combined 50,000 gallons of spirits per year and is not a member  
9 of or affiliated with, directly or indirectly, a manufacturer  
10 that produces more than 50,000 gallons of spirits per year or  
11 any other alcoholic liquor. A class 1 craft distiller licensee  
12 may make sales and deliveries to importing distributors and  
13 distributors and to retail licensees in accordance with the  
14 conditions set forth in paragraph (19) of subsection (a) of  
15 Section 3-12 of this Act. However, the aggregate amount of  
16 spirits sold to non-licensees and sold or delivered to retail  
17 licensees may not exceed 5,000 gallons per year.

18 A class 1 craft distiller licensee may sell up to 5,000  
19 gallons of such spirits to non-licensees to the extent  
20 permitted by any exemption approved by the State Commission  
21 pursuant to Section 6-4 of this Act. A class 1 craft distiller  
22 license holder may store such spirits at a non-contiguous  
23 licensed location, but at no time shall a class 1 craft  
24 distiller license holder directly or indirectly produce in the  
25 aggregate more than 50,000 gallons of spirits per year.

26 A class 1 craft distiller licensee may hold more than one

1 class 1 craft distiller's license. However, a class 1 craft  
2 distiller that holds more than one class 1 craft distiller  
3 license shall not manufacture, in the aggregate, more than  
4 50,000 gallons of spirits by distillation per year and shall  
5 not sell, in the aggregate, more than 5,000 gallons of such  
6 spirits to non-licensees in accordance with an exemption  
7 approved by the State Commission pursuant to Section 6-4 of  
8 this Act.

9 Class 11. A class 2 craft distiller license, which may only  
10 be issued to a licensed craft distiller or licensed  
11 non-resident dealer, shall allow the manufacture of up to  
12 100,000 gallons of spirits per year provided that the class 2  
13 craft distiller licensee does not manufacture more than a  
14 combined 100,000 gallons of spirits per year and is not a  
15 member of or affiliated with, directly or indirectly, a  
16 manufacturer that produces more than 100,000 gallons of spirits  
17 per year or any other alcoholic liquor. A class 2 craft  
18 distiller licensee may make sales and deliveries to importing  
19 distributors and distributors, but shall not make sales or  
20 deliveries to any other licensee. If the State Commission  
21 provides prior approval, a class 2 craft distiller licensee may  
22 annually transfer up to 100,000 gallons of spirits manufactured  
23 by that class 2 craft distiller licensee to the premises of a  
24 licensed class 2 craft distiller wholly owned and operated by  
25 the same licensee. A class 2 craft distiller may transfer  
26 spirits to a distilling pub wholly owned and operated by the

1 class 2 craft distiller subject to the following limitations  
2 and restrictions: (i) the transfer shall not annually exceed  
3 more than 5,000 gallons; (ii) the annual amount transferred  
4 shall reduce the distilling pub's annual permitted production  
5 limit; (iii) all spirits transferred shall be subject to  
6 Article VIII of this Act; (iv) a written record shall be  
7 maintained by the distiller and distilling pub specifying the  
8 amount, date of delivery, and receipt of the product by the  
9 distilling pub; and (v) the distilling pub shall be located no  
10 farther than 80 miles from the class 2 craft distiller's  
11 licensed location.

12 A class 2 craft distiller shall, prior to transferring  
13 spirits to a distilling pub wholly owned by the class 2 craft  
14 distiller, furnish a written notice to the State Commission of  
15 intent to transfer spirits setting forth the name and address  
16 of the distilling pub and shall annually submit to the State  
17 Commission a verified report identifying the total gallons of  
18 spirits transferred to the distilling pub wholly owned by the  
19 class 2 craft distiller.

20 A class 2 craft distiller license holder may store such  
21 spirits at a non-contiguous licensed location, but at no time  
22 shall a class 2 craft distiller license holder directly or  
23 indirectly produce in the aggregate more than 100,000 gallons  
24 of spirits per year.

25 Class 12. A class 1 brewer license, which may only be  
26 issued to a licensed brewer or licensed non-resident dealer,



1 shall allow the manufacture of up to 930,000 gallons of beer  
2 per year provided that the class 1 brewer licensee does not  
3 manufacture more than a combined 930,000 gallons of beer per  
4 year and is not a member of or affiliated with, directly or  
5 indirectly, a manufacturer that produces more than 930,000  
6 gallons of beer per year or any other alcoholic liquor. A class  
7 1 brewer licensee may make sales and deliveries to importing  
8 distributors and distributors and to retail licensees in  
9 accordance with the conditions set forth in paragraph (18) of  
10 subsection (a) of Section 3-12 of this Act. If the State  
11 Commission provides prior approval, a class 1 brewer may  
12 annually transfer up to 930,000 gallons of beer manufactured by  
13 that class 1 brewer to the premises of a licensed class 1  
14 brewer wholly owned and operated by the same licensee.

15 Class 13. A class 2 brewer license, which may only be  
16 issued to a licensed brewer or licensed non-resident dealer,  
17 shall allow the manufacture of up to 3,720,000 gallons of beer  
18 per year provided that the class 2 brewer licensee does not  
19 manufacture more than a combined 3,720,000 gallons of beer per  
20 year and is not a member of or affiliated with, directly or  
21 indirectly, a manufacturer that produces more than 3,720,000  
22 gallons of beer per year or any other alcoholic liquor. A class  
23 2 brewer licensee may make sales and deliveries to importing  
24 distributors and distributors, but shall not make sales or  
25 deliveries to any other licensee. If the State Commission  
26 provides prior approval, a class 2 brewer licensee may annually

1 transfer up to 3,720,000 gallons of beer manufactured by that  
2 class 2 brewer licensee to the premises of a licensed class 2  
3 brewer wholly owned and operated by the same licensee.

4 A class 2 brewer may transfer beer to a brew pub wholly  
5 owned and operated by the class 2 brewer subject to the  
6 following limitations and restrictions: (i) the transfer shall  
7 not annually exceed more than 31,000 gallons; (ii) the annual  
8 amount transferred shall reduce the brew pub's annual permitted  
9 production limit; (iii) all beer transferred shall be subject  
10 to Article VIII of this Act; (iv) a written record shall be  
11 maintained by the brewer and brew pub specifying the amount,  
12 date of delivery, and receipt of the product by the brew pub;  
13 and (v) the brew pub shall be located no farther than 80 miles  
14 from the class 2 brewer's licensed location.

15 A class 2 brewer shall, prior to transferring beer to a  
16 brew pub wholly owned by the class 2 brewer, furnish a written  
17 notice to the State Commission of intent to transfer beer  
18 setting forth the name and address of the brew pub and shall  
19 annually submit to the State Commission a verified report  
20 identifying the total gallons of beer transferred to the brew  
21 pub wholly owned by the class 2 brewer.

22 (a-1) A manufacturer which is licensed in this State to  
23 make sales or deliveries of alcoholic liquor to licensed  
24 distributors or importing distributors and which enlists  
25 agents, representatives, or individuals acting on its behalf  
26 who contact licensed retailers on a regular and continual basis

1 in this State must register those agents, representatives, or  
2 persons acting on its behalf with the State Commission.

3 Registration of agents, representatives, or persons acting  
4 on behalf of a manufacturer is fulfilled by submitting a form  
5 to the Commission. The form shall be developed by the  
6 Commission and shall include the name and address of the  
7 applicant, the name and address of the manufacturer he or she  
8 represents, the territory or areas assigned to sell to or  
9 discuss pricing terms of alcoholic liquor, and any other  
10 questions deemed appropriate and necessary. All statements in  
11 the forms required to be made by law or by rule shall be deemed  
12 material, and any person who knowingly misstates any material  
13 fact under oath in an application is guilty of a Class B  
14 misdemeanor. Fraud, misrepresentation, false statements,  
15 misleading statements, evasions, or suppression of material  
16 facts in the securing of a registration are grounds for  
17 suspension or revocation of the registration. The State  
18 Commission shall post a list of registered agents on the  
19 Commission's website.

20 (b) A distributor's license shall allow (i) the wholesale  
21 purchase and storage of alcoholic liquors and sale of alcoholic  
22 liquors to licensees in this State and to persons without the  
23 State, as may be permitted by law; (ii) the sale of beer,  
24 cider, or both beer and cider to brewers, class 1 brewers, and  
25 class 2 brewers that, pursuant to subsection (e) of Section 6-4  
26 of this Act, sell beer, cider, or both beer and cider to

1 non-licensees at their breweries; and (iii) the sale of  
2 vermouth to class 1 craft distillers and class 2 craft  
3 distillers that, pursuant to subsection (e) of Section 6-4 of  
4 this Act, sell spirits, vermouth, or both spirits and vermouth  
5 to non-licensees at their distilleries. No person licensed as a  
6 distributor shall be granted a non-resident dealer's license.

7 (c) An importing distributor's license may be issued to and  
8 held by those only who are duly licensed distributors, upon the  
9 filing of an application by a duly licensed distributor, with  
10 the Commission and the Commission shall, without the payment of  
11 any fee, immediately issue such importing distributor's  
12 license to the applicant, which shall allow the importation of  
13 alcoholic liquor by the licensee into this State from any point  
14 in the United States outside this State, and the purchase of  
15 alcoholic liquor in barrels, casks or other bulk containers and  
16 the bottling of such alcoholic liquors before resale thereof,  
17 but all bottles or containers so filled shall be sealed,  
18 labeled, stamped and otherwise made to comply with all  
19 provisions, rules and regulations governing manufacturers in  
20 the preparation and bottling of alcoholic liquors. The  
21 importing distributor's license shall permit such licensee to  
22 purchase alcoholic liquor from Illinois licensed non-resident  
23 dealers and foreign importers only. No person licensed as an  
24 importing distributor shall be granted a non-resident dealer's  
25 license.

26 (d) A retailer's license shall allow the licensee to sell

1 and offer for sale at retail, only in the premises specified in  
2 the license, alcoholic liquor for use or consumption, but not  
3 for resale in any form. Nothing in Public Act 95-634 shall  
4 deny, limit, remove, or restrict the ability of a holder of a  
5 retailer's license to transfer, deliver, or ship alcoholic  
6 liquor to the purchaser for use or consumption subject to any  
7 applicable local law or ordinance. Any retail license issued to  
8 a manufacturer shall only permit the manufacturer to sell beer  
9 at retail on the premises actually occupied by the  
10 manufacturer. For the purpose of further describing the type of  
11 business conducted at a retail licensed premises, a retailer's  
12 licensee may be designated by the State Commission as (i) an on  
13 premise consumption retailer, (ii) an off premise sale  
14 retailer, or (iii) a combined on premise consumption and off  
15 premise sale retailer.

16 Notwithstanding any other provision of this subsection  
17 (d), a retail licensee may sell alcoholic liquors to a special  
18 event retailer licensee for resale to the extent permitted  
19 under subsection (e).

20 (e) A special event retailer's license (not-for-profit)  
21 shall permit the licensee to purchase alcoholic liquors from an  
22 Illinois licensed distributor (unless the licensee purchases  
23 less than \$500 of alcoholic liquors for the special event, in  
24 which case the licensee may purchase the alcoholic liquors from  
25 a licensed retailer) and shall allow the licensee to sell and  
26 offer for sale, at retail, alcoholic liquors for use or

1 consumption, but not for resale in any form and only at the  
2 location and on the specific dates designated for the special  
3 event in the license. An applicant for a special event retailer  
4 license must (i) furnish with the application: (A) a resale  
5 number issued under Section 2c of the Retailers' Occupation Tax  
6 Act or evidence that the applicant is registered under Section  
7 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
8 exemption identification number issued under Section 1g of the  
9 Retailers' Occupation Tax Act, and a certification to the  
10 Commission that the purchase of alcoholic liquors will be a  
11 tax-exempt purchase, or (C) a statement that the applicant is  
12 not registered under Section 2a of the Retailers' Occupation  
13 Tax Act, does not hold a resale number under Section 2c of the  
14 Retailers' Occupation Tax Act, and does not hold an exemption  
15 number under Section 1g of the Retailers' Occupation Tax Act,  
16 in which event the Commission shall set forth on the special  
17 event retailer's license a statement to that effect; (ii)  
18 submit with the application proof satisfactory to the State  
19 Commission that the applicant will provide dram shop liability  
20 insurance in the maximum limits; and (iii) show proof  
21 satisfactory to the State Commission that the applicant has  
22 obtained local authority approval.

23 Nothing in this Act prohibits an Illinois licensed  
24 distributor from offering credit or a refund for unused,  
25 salable alcoholic liquors to a holder of a special event  
26 retailer's license or the special event retailer's licensee

1 from accepting the credit or refund of alcoholic liquors at the  
2 conclusion of the event specified in the license.

3 (f) A railroad license shall permit the licensee to import  
4 alcoholic liquors into this State from any point in the United  
5 States outside this State and to store such alcoholic liquors  
6 in this State; to make wholesale purchases of alcoholic liquors  
7 directly from manufacturers, foreign importers, distributors  
8 and importing distributors from within or outside this State;  
9 and to store such alcoholic liquors in this State; provided  
10 that the above powers may be exercised only in connection with  
11 the importation, purchase or storage of alcoholic liquors to be  
12 sold or dispensed on a club, buffet, lounge or dining car  
13 operated on an electric, gas or steam railway in this State;  
14 and provided further, that railroad licensees exercising the  
15 above powers shall be subject to all provisions of Article VIII  
16 of this Act as applied to importing distributors. A railroad  
17 license shall also permit the licensee to sell or dispense  
18 alcoholic liquors on any club, buffet, lounge or dining car  
19 operated on an electric, gas or steam railway regularly  
20 operated by a common carrier in this State, but shall not  
21 permit the sale for resale of any alcoholic liquors to any  
22 licensee within this State. A license shall be obtained for  
23 each car in which such sales are made.

24 (g) A boat license shall allow the sale of alcoholic liquor  
25 in individual drinks, on any passenger boat regularly operated  
26 as a common carrier on navigable waters in this State or on any

1 riverboat operated under the Riverboat Illinois Gambling Act,  
2 which boat or riverboat maintains a public dining room or  
3 restaurant thereon.

4 (h) A non-beverage user's license shall allow the licensee  
5 to purchase alcoholic liquor from a licensed manufacturer or  
6 importing distributor, without the imposition of any tax upon  
7 the business of such licensed manufacturer or importing  
8 distributor as to such alcoholic liquor to be used by such  
9 licensee solely for the non-beverage purposes set forth in  
10 subsection (a) of Section 8-1 of this Act, and such licenses  
11 shall be divided and classified and shall permit the purchase,  
12 possession and use of limited and stated quantities of  
13 alcoholic liquor as follows:

- 14 Class 1, not to exceed ..... 500 gallons
- 15 Class 2, not to exceed ..... 1,000 gallons
- 16 Class 3, not to exceed ..... 5,000 gallons
- 17 Class 4, not to exceed ..... 10,000 gallons
- 18 Class 5, not to exceed ..... 50,000 gallons

19 (i) A wine-maker's premises license shall allow a licensee  
20 that concurrently holds a first-class wine-maker's license to  
21 sell and offer for sale at retail in the premises specified in  
22 such license not more than 50,000 gallons of the first-class  
23 wine-maker's wine that is made at the first-class wine-maker's  
24 licensed premises per year for use or consumption, but not for  
25 resale in any form. A wine-maker's premises license shall allow  
26 a licensee who concurrently holds a second-class wine-maker's



1 license to sell and offer for sale at retail in the premises  
2 specified in such license up to 100,000 gallons of the  
3 second-class wine-maker's wine that is made at the second-class  
4 wine-maker's licensed premises per year for use or consumption  
5 but not for resale in any form. A wine-maker's premises license  
6 shall allow a licensee that concurrently holds a first-class  
7 wine-maker's license or a second-class wine-maker's license to  
8 sell and offer for sale at retail at the premises specified in  
9 the wine-maker's premises license, for use or consumption but  
10 not for resale in any form, any beer, wine, and spirits  
11 purchased from a licensed distributor. Upon approval from the  
12 State Commission, a wine-maker's premises license shall allow  
13 the licensee to sell and offer for sale at (i) the wine-maker's  
14 licensed premises and (ii) at up to 2 additional locations for  
15 use and consumption and not for resale. Each location shall  
16 require additional licensing per location as specified in  
17 Section 5-3 of this Act. A wine-maker's premises licensee shall  
18 secure liquor liability insurance coverage in an amount at  
19 least equal to the maximum liability amounts set forth in  
20 subsection (a) of Section 6-21 of this Act.

21 (j) An airplane license shall permit the licensee to import  
22 alcoholic liquors into this State from any point in the United  
23 States outside this State and to store such alcoholic liquors  
24 in this State; to make wholesale purchases of alcoholic liquors  
25 directly from manufacturers, foreign importers, distributors  
26 and importing distributors from within or outside this State;

1 and to store such alcoholic liquors in this State; provided  
2 that the above powers may be exercised only in connection with  
3 the importation, purchase or storage of alcoholic liquors to be  
4 sold or dispensed on an airplane; and provided further, that  
5 airplane licensees exercising the above powers shall be subject  
6 to all provisions of Article VIII of this Act as applied to  
7 importing distributors. An airplane licensee shall also permit  
8 the sale or dispensing of alcoholic liquors on any passenger  
9 airplane regularly operated by a common carrier in this State,  
10 but shall not permit the sale for resale of any alcoholic  
11 liquors to any licensee within this State. A single airplane  
12 license shall be required of an airline company if liquor  
13 service is provided on board aircraft in this State. The annual  
14 fee for such license shall be as determined in Section 5-3.

15 (k) A foreign importer's license shall permit such licensee  
16 to purchase alcoholic liquor from Illinois licensed  
17 non-resident dealers only, and to import alcoholic liquor other  
18 than in bulk from any point outside the United States and to  
19 sell such alcoholic liquor to Illinois licensed importing  
20 distributors and to no one else in Illinois; provided that (i)  
21 the foreign importer registers with the State Commission every  
22 brand of alcoholic liquor that it proposes to sell to Illinois  
23 licensees during the license period, (ii) the foreign importer  
24 complies with all of the provisions of Section 6-9 of this Act  
25 with respect to registration of such Illinois licensees as may  
26 be granted the right to sell such brands at wholesale, and

1 (iii) the foreign importer complies with the provisions of  
2 Sections 6-5 and 6-6 of this Act to the same extent that these  
3 provisions apply to manufacturers.

4 (1) (i) A broker's license shall be required of all persons  
5 who solicit orders for, offer to sell or offer to supply  
6 alcoholic liquor to retailers in the State of Illinois, or who  
7 offer to retailers to ship or cause to be shipped or to make  
8 contact with distillers, craft distillers, rectifiers, brewers  
9 or manufacturers or any other party within or without the State  
10 of Illinois in order that alcoholic liquors be shipped to a  
11 distributor, importing distributor or foreign importer,  
12 whether such solicitation or offer is consummated within or  
13 without the State of Illinois.

14 No holder of a retailer's license issued by the Illinois  
15 Liquor Control Commission shall purchase or receive any  
16 alcoholic liquor, the order for which was solicited or offered  
17 for sale to such retailer by a broker unless the broker is the  
18 holder of a valid broker's license.

19 The broker shall, upon the acceptance by a retailer of the  
20 broker's solicitation of an order or offer to sell or supply or  
21 deliver or have delivered alcoholic liquors, promptly forward  
22 to the Illinois Liquor Control Commission a notification of  
23 said transaction in such form as the Commission may by  
24 regulations prescribe.

25 (ii) A broker's license shall be required of a person  
26 within this State, other than a retail licensee, who, for a fee

1 or commission, promotes, solicits, or accepts orders for  
2 alcoholic liquor, for use or consumption and not for resale, to  
3 be shipped from this State and delivered to residents outside  
4 of this State by an express company, common carrier, or  
5 contract carrier. This Section does not apply to any person who  
6 promotes, solicits, or accepts orders for wine as specifically  
7 authorized in Section 6-29 of this Act.

8 A broker's license under this subsection (1) shall not  
9 entitle the holder to buy or sell any alcoholic liquors for his  
10 own account or to take or deliver title to such alcoholic  
11 liquors.

12 This subsection (1) shall not apply to distributors,  
13 employees of distributors, or employees of a manufacturer who  
14 has registered the trademark, brand or name of the alcoholic  
15 liquor pursuant to Section 6-9 of this Act, and who regularly  
16 sells such alcoholic liquor in the State of Illinois only to  
17 its registrants thereunder.

18 Any agent, representative, or person subject to  
19 registration pursuant to subsection (a-1) of this Section shall  
20 not be eligible to receive a broker's license.

21 (m) A non-resident dealer's license shall permit such  
22 licensee to ship into and warehouse alcoholic liquor into this  
23 State from any point outside of this State, and to sell such  
24 alcoholic liquor to Illinois licensed foreign importers and  
25 importing distributors and to no one else in this State;  
26 provided that (i) said non-resident dealer shall register with

1 the Illinois Liquor Control Commission each and every brand of  
2 alcoholic liquor which it proposes to sell to Illinois  
3 licensees during the license period, (ii) it shall comply with  
4 all of the provisions of Section 6-9 hereof with respect to  
5 registration of such Illinois licensees as may be granted the  
6 right to sell such brands at wholesale by duly filing such  
7 registration statement, thereby authorizing the non-resident  
8 dealer to proceed to sell such brands at wholesale, and (iii)  
9 the non-resident dealer shall comply with the provisions of  
10 Sections 6-5 and 6-6 of this Act to the same extent that these  
11 provisions apply to manufacturers. No person licensed as a  
12 non-resident dealer shall be granted a distributor's or  
13 importing distributor's license.

14 (n) A brew pub license shall allow the licensee to only (i)  
15 manufacture up to 155,000 gallons of beer per year only on the  
16 premises specified in the license, (ii) make sales of the beer  
17 manufactured on the premises or, with the approval of the  
18 Commission, beer manufactured on another brew pub licensed  
19 premises that is wholly owned and operated by the same licensee  
20 to importing distributors, distributors, and to non-licensees  
21 for use and consumption, (iii) store the beer upon the  
22 premises, (iv) sell and offer for sale at retail from the  
23 licensed premises for off-premises consumption no more than  
24 155,000 gallons per year so long as such sales are only made  
25 in-person, (v) sell and offer for sale at retail for use and  
26 consumption on the premises specified in the license any form

1 of alcoholic liquor purchased from a licensed distributor or  
2 importing distributor, (vi) with the prior approval of the  
3 Commission, annually transfer no more than 155,000 gallons of  
4 beer manufactured on the premises to a licensed brew pub wholly  
5 owned and operated by the same licensee, and (vii)  
6 notwithstanding item (i) of this subsection, brew pubs wholly  
7 owned and operated by the same licensee may combine each  
8 location's production limit of 155,000 gallons of beer per year  
9 and allocate the aggregate total between the wholly owned,  
10 operated, and licensed locations.

11 A brew pub licensee shall not under any circumstance sell  
12 or offer for sale beer manufactured by the brew pub licensee to  
13 retail licensees.

14 A person who holds a class 2 brewer license may  
15 simultaneously hold a brew pub license if the class 2 brewer  
16 (i) does not, under any circumstance, sell or offer for sale  
17 beer manufactured by the class 2 brewer to retail licensees;  
18 (ii) does not hold more than 3 brew pub licenses in this State;  
19 (iii) does not manufacture more than a combined 3,720,000  
20 gallons of beer per year, including the beer manufactured at  
21 the brew pub; and (iv) is not a member of or affiliated with,  
22 directly or indirectly, a manufacturer that produces more than  
23 3,720,000 gallons of beer per year or any other alcoholic  
24 liquor.

25 Notwithstanding any other provision of this Act, a licensed  
26 brewer, class 2 brewer, or non-resident dealer who before July

1 1, 2015 manufactured less than 3,720,000 gallons of beer per  
2 year and held a brew pub license on or before July 1, 2015 may  
3 (i) continue to qualify for and hold that brew pub license for  
4 the licensed premises and (ii) manufacture more than 3,720,000  
5 gallons of beer per year and continue to qualify for and hold  
6 that brew pub license if that brewer, class 2 brewer, or  
7 non-resident dealer does not simultaneously hold a class 1  
8 brewer license and is not a member of or affiliated with,  
9 directly or indirectly, a manufacturer that produces more than  
10 3,720,000 gallons of beer per year or that produces any other  
11 alcoholic liquor.

12 (o) A caterer retailer license shall allow the holder to  
13 serve alcoholic liquors as an incidental part of a food service  
14 that serves prepared meals which excludes the serving of snacks  
15 as the primary meal, either on or off-site whether licensed or  
16 unlicensed. A caterer retailer license shall allow the holder,  
17 a distributor, or an importing distributor to transfer any  
18 inventory to and from the holder's retail premises and shall  
19 allow the holder to purchase alcoholic liquor from a  
20 distributor or importing distributor to be delivered directly  
21 to an off-site event.

22 Nothing in this Act prohibits a distributor or importing  
23 distributor from offering credit or a refund for unused,  
24 salable beer to a holder of a caterer retailer license or a  
25 caterer retailer licensee from accepting a credit or refund for  
26 unused, salable beer, in the event an act of God is the sole

1 reason an off-site event is cancelled and if: (i) the holder of  
2 a caterer retailer license has not transferred alcoholic liquor  
3 from its caterer retailer premises to an off-site location;  
4 (ii) the distributor or importing distributor offers the credit  
5 or refund for the unused, salable beer that it delivered to the  
6 off-site premises and not for any unused, salable beer that the  
7 distributor or importing distributor delivered to the caterer  
8 retailer's premises; and (iii) the unused, salable beer would  
9 likely spoil if transferred to the caterer retailer's premises.  
10 A caterer retailer license shall allow the holder to transfer  
11 any inventory from any off-site location to its caterer  
12 retailer premises at the conclusion of an off-site event or  
13 engage a distributor or importing distributor to transfer any  
14 inventory from any off-site location to its caterer retailer  
15 premises at the conclusion of an off-site event, provided that  
16 the distributor or importing distributor issues bona fide  
17 charges to the caterer retailer licensee for fuel, labor, and  
18 delivery and the distributor or importing distributor collects  
19 payment from the caterer retailer licensee prior to the  
20 distributor or importing distributor transferring inventory to  
21 the caterer retailer premises.

22 For purposes of this subsection (o), an "act of God" means  
23 an unforeseeable event, such as a rain or snow storm, hail, a  
24 flood, or a similar event, that is the sole cause of the  
25 cancellation of an off-site, outdoor event.

26 (p) An auction liquor license shall allow the licensee to



1 sell and offer for sale at auction wine and spirits for use or  
2 consumption, or for resale by an Illinois liquor licensee in  
3 accordance with provisions of this Act. An auction liquor  
4 license will be issued to a person and it will permit the  
5 auction liquor licensee to hold the auction anywhere in the  
6 State. An auction liquor license must be obtained for each  
7 auction at least 14 days in advance of the auction date.

8 (q) A special use permit license shall allow an Illinois  
9 licensed retailer to transfer a portion of its alcoholic liquor  
10 inventory from its retail licensed premises to the premises  
11 specified in the license hereby created; to purchase alcoholic  
12 liquor from a distributor or importing distributor to be  
13 delivered directly to the location specified in the license  
14 hereby created; and to sell or offer for sale at retail, only  
15 in the premises specified in the license hereby created, the  
16 transferred or delivered alcoholic liquor for use or  
17 consumption, but not for resale in any form. A special use  
18 permit license may be granted for the following time periods:  
19 one day or less; 2 or more days to a maximum of 15 days per  
20 location in any 12-month period. An applicant for the special  
21 use permit license must also submit with the application proof  
22 satisfactory to the State Commission that the applicant will  
23 provide dram shop liability insurance to the maximum limits and  
24 have local authority approval.

25 A special use permit license shall allow the holder to  
26 transfer any inventory from the holder's special use premises

1 to its retail premises at the conclusion of the special use  
2 event or engage a distributor or importing distributor to  
3 transfer any inventory from the holder's special use premises  
4 to its retail premises at the conclusion of an off-site event,  
5 provided that the distributor or importing distributor issues  
6 bona fide charges to the special use permit licensee for fuel,  
7 labor, and delivery and the distributor or importing  
8 distributor collects payment from the retail licensee prior to  
9 the distributor or importing distributor transferring  
10 inventory to the retail premises.

11 Nothing in this Act prohibits a distributor or importing  
12 distributor from offering credit or a refund for unused,  
13 salable beer to a special use permit licensee or a special use  
14 permit licensee from accepting a credit or refund for unused,  
15 salable beer at the conclusion of the event specified in the  
16 license if: (i) the holder of the special use permit license  
17 has not transferred alcoholic liquor from its retail licensed  
18 premises to the premises specified in the special use permit  
19 license; (ii) the distributor or importing distributor offers  
20 the credit or refund for the unused, salable beer that it  
21 delivered to the premises specified in the special use permit  
22 license and not for any unused, salable beer that the  
23 distributor or importing distributor delivered to the  
24 retailer's premises; and (iii) the unused, salable beer would  
25 likely spoil if transferred to the retailer premises.

26 (r) A winery shipper's license shall allow a person with a

1 first-class or second-class wine manufacturer's license, a  
2 first-class or second-class wine-maker's license, or a limited  
3 wine manufacturer's license or who is licensed to make wine  
4 under the laws of another state to ship wine made by that  
5 licensee directly to a resident of this State who is 21 years  
6 of age or older for that resident's personal use and not for  
7 resale. Prior to receiving a winery shipper's license, an  
8 applicant for the license must provide the Commission with a  
9 true copy of its current license in any state in which it is  
10 licensed as a manufacturer of wine. An applicant for a winery  
11 shipper's license must also complete an application form that  
12 provides any other information the Commission deems necessary.  
13 The application form shall include all addresses from which the  
14 applicant for a winery shipper's license intends to ship wine,  
15 including the name and address of any third party, except for a  
16 common carrier, authorized to ship wine on behalf of the  
17 manufacturer. The application form shall include an  
18 acknowledgement consenting to the jurisdiction of the  
19 Commission, the Illinois Department of Revenue, and the courts  
20 of this State concerning the enforcement of this Act and any  
21 related laws, rules, and regulations, including authorizing  
22 the Department of Revenue and the Commission to conduct audits  
23 for the purpose of ensuring compliance with Public Act 95-634,  
24 and an acknowledgement that the wine manufacturer is in  
25 compliance with Section 6-2 of this Act. Any third party,  
26 except for a common carrier, authorized to ship wine on behalf

1 of a first-class or second-class wine manufacturer's licensee,  
2 a first-class or second-class wine-maker's licensee, a limited  
3 wine manufacturer's licensee, or a person who is licensed to  
4 make wine under the laws of another state shall also be  
5 disclosed by the winery shipper's licensee, and a copy of the  
6 written appointment of the third-party wine provider, except  
7 for a common carrier, to the wine manufacturer shall be filed  
8 with the State Commission as a supplement to the winery  
9 shipper's license application or any renewal thereof. The  
10 winery shipper's license holder shall affirm under penalty of  
11 perjury, as part of the winery shipper's license application or  
12 renewal, that he or she only ships wine, either directly or  
13 indirectly through a third-party provider, from the licensee's  
14 own production.

15 Except for a common carrier, a third-party provider  
16 shipping wine on behalf of a winery shipper's license holder is  
17 the agent of the winery shipper's license holder and, as such,  
18 a winery shipper's license holder is responsible for the acts  
19 and omissions of the third-party provider acting on behalf of  
20 the license holder. A third-party provider, except for a common  
21 carrier, that engages in shipping wine into Illinois on behalf  
22 of a winery shipper's license holder shall consent to the  
23 jurisdiction of the State Commission and the State. Any  
24 third-party, except for a common carrier, holding such an  
25 appointment shall, by February 1 of each calendar year and upon  
26 request by the State Commission or the Department of Revenue,

1 file with the State Commission a statement detailing each  
2 shipment made to an Illinois resident. The statement shall  
3 include the name and address of the third-party provider filing  
4 the statement, the time period covered by the statement, and  
5 the following information:

6 (1) the name, address, and license number of the winery  
7 shipper on whose behalf the shipment was made;

8 (2) the quantity of the products delivered; and

9 (3) the date and address of the shipment.

10 If the Department of Revenue or the State Commission requests a  
11 statement under this paragraph, the third-party provider must  
12 provide that statement no later than 30 days after the request  
13 is made. Any books, records, supporting papers, and documents  
14 containing information and data relating to a statement under  
15 this paragraph shall be kept and preserved for a period of 3  
16 years, unless their destruction sooner is authorized, in  
17 writing, by the Director of Revenue, and shall be open and  
18 available to inspection by the Director of Revenue or the State  
19 Commission or any duly authorized officer, agent, or employee  
20 of the State Commission or the Department of Revenue, at all  
21 times during business hours of the day. Any person who violates  
22 any provision of this paragraph or any rule of the State  
23 Commission for the administration and enforcement of the  
24 provisions of this paragraph is guilty of a Class C  
25 misdemeanor. In case of a continuing violation, each day's  
26 continuance thereof shall be a separate and distinct offense.

1           The State Commission shall adopt rules as soon as  
2           practicable to implement the requirements of Public Act 99-904  
3           and shall adopt rules prohibiting any such third-party  
4           appointment of a third-party provider, except for a common  
5           carrier, that has been deemed by the State Commission to have  
6           violated the provisions of this Act with regard to any winery  
7           shipper licensee.

8           A winery shipper licensee must pay to the Department of  
9           Revenue the State liquor gallonage tax under Section 8-1 for  
10          all wine that is sold by the licensee and shipped to a person  
11          in this State. For the purposes of Section 8-1, a winery  
12          shipper licensee shall be taxed in the same manner as a  
13          manufacturer of wine. A licensee who is not otherwise required  
14          to register under the Retailers' Occupation Tax Act must  
15          register under the Use Tax Act to collect and remit use tax to  
16          the Department of Revenue for all gallons of wine that are sold  
17          by the licensee and shipped to persons in this State. If a  
18          licensee fails to remit the tax imposed under this Act in  
19          accordance with the provisions of Article VIII of this Act, the  
20          winery shipper's license shall be revoked in accordance with  
21          the provisions of Article VII of this Act. If a licensee fails  
22          to properly register and remit tax under the Use Tax Act or the  
23          Retailers' Occupation Tax Act for all wine that is sold by the  
24          winery shipper and shipped to persons in this State, the winery  
25          shipper's license shall be revoked in accordance with the  
26          provisions of Article VII of this Act.

1           A winery shipper licensee must collect, maintain, and  
2 submit to the Commission on a semi-annual basis the total  
3 number of cases per resident of wine shipped to residents of  
4 this State. A winery shipper licensed under this subsection (r)  
5 must comply with the requirements of Section 6-29 of this Act.

6           Pursuant to paragraph (5.1) or (5.3) of subsection (a) of  
7 Section 3-12, the State Commission may receive, respond to, and  
8 investigate any complaint and impose any of the remedies  
9 specified in paragraph (1) of subsection (a) of Section 3-12.

10          As used in this subsection, "third-party provider" means  
11 any entity that provides fulfillment house services, including  
12 warehousing, packaging, distribution, order processing, or  
13 shipment of wine, but not the sale of wine, on behalf of a  
14 licensed winery shipper.

15          (s) A craft distiller tasting permit license shall allow an  
16 Illinois licensed class 1 craft distiller or class 2 craft  
17 distiller to transfer a portion of its alcoholic liquor  
18 inventory from its class 1 craft distiller or class 2 craft  
19 distiller licensed premises to the premises specified in the  
20 license hereby created and to conduct a sampling, only in the  
21 premises specified in the license hereby created, of the  
22 transferred alcoholic liquor in accordance with subsection (c)  
23 of Section 6-31 of this Act. The transferred alcoholic liquor  
24 may not be sold or resold in any form. An applicant for the  
25 craft distiller tasting permit license must also submit with  
26 the application proof satisfactory to the State Commission that

1 the applicant will provide dram shop liability insurance to the  
2 maximum limits and have local authority approval.

3 (t) A brewer warehouse permit may be issued to the holder  
4 of a class 1 brewer license or a class 2 brewer license. If the  
5 holder of the permit is a class 1 brewer licensee, the brewer  
6 warehouse permit shall allow the holder to store or warehouse  
7 up to 930,000 gallons of tax-determined beer manufactured by  
8 the holder of the permit at the premises specified on the  
9 permit. If the holder of the permit is a class 2 brewer  
10 licensee, the brewer warehouse permit shall allow the holder to  
11 store or warehouse up to 3,720,000 gallons of tax-determined  
12 beer manufactured by the holder of the permit at the premises  
13 specified on the permit. Sales to non-licensees are prohibited  
14 at the premises specified in the brewer warehouse permit.

15 (u) A distilling pub license shall allow the licensee to  
16 only (i) manufacture up to 5,000 gallons of spirits per year  
17 only on the premises specified in the license, (ii) make sales  
18 of the spirits manufactured on the premises or, with the  
19 approval of the State Commission, spirits manufactured on  
20 another distilling pub licensed premises that is wholly owned  
21 and operated by the same licensee to importing distributors and  
22 distributors and to non-licensees for use and consumption,  
23 (iii) store the spirits upon the premises, (iv) sell and offer  
24 for sale at retail from the licensed premises for off-premises  
25 consumption no more than 5,000 gallons per year so long as such  
26 sales are only made in-person, (v) sell and offer for sale at



1 retail for use and consumption on the premises specified in the  
2 license any form of alcoholic liquor purchased from a licensed  
3 distributor or importing distributor, and (vi) with the prior  
4 approval of the State Commission, annually transfer no more  
5 than 5,000 gallons of spirits manufactured on the premises to a  
6 licensed distilling pub wholly owned and operated by the same  
7 licensee.

8 A distilling pub licensee shall not under any circumstance  
9 sell or offer for sale spirits manufactured by the distilling  
10 pub licensee to retail licensees.

11 A person who holds a class 2 craft distiller license may  
12 simultaneously hold a distilling pub license if the class 2  
13 craft distiller (i) does not, under any circumstance, sell or  
14 offer for sale spirits manufactured by the class 2 craft  
15 distiller to retail licensees; (ii) does not hold more than 3  
16 distilling pub licenses in this State; (iii) does not  
17 manufacture more than a combined 100,000 gallons of spirits per  
18 year, including the spirits manufactured at the distilling pub;  
19 and (iv) is not a member of or affiliated with, directly or  
20 indirectly, a manufacturer that produces more than 100,000  
21 gallons of spirits per year or any other alcoholic liquor.

22 (v) A craft distiller warehouse permit may be issued to the  
23 holder of a class 1 craft distiller or class 2 craft distiller  
24 license. The craft distiller warehouse permit shall allow the  
25 holder to store or warehouse up to 500,000 gallons of spirits  
26 manufactured by the holder of the permit at the premises

1 specified on the permit. Sales to non-licensees are prohibited  
2 at the premises specified in the craft distiller warehouse  
3 permit.

4 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;  
5 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.  
6 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,  
7 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;  
8 101-615, eff. 12-20-19.)

9 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

10 Sec. 6-30. Notwithstanding any other provision of this Act,  
11 the Illinois Gaming Board shall have exclusive authority to  
12 establish the hours for sale and consumption of alcoholic  
13 liquor on board a riverboat during riverboat gambling  
14 excursions ~~and in a casino~~ conducted in accordance with the  
15 ~~Illinois~~ Riverboat Gambling Act.

16 (Source: P.A. 101-31, eff. 6-28-19.)

17 Section 10-450. The Illinois Public Aid Code is amended by  
18 changing Section 10-17.15 as follows:

19 (305 ILCS 5/10-17.15)

20 Sec. 10-17.15. Certification of information to State  
21 gaming licensees.

22 (a) For purposes of this Section, "State gaming licensee"  
23 means, as applicable, an organization licensee or advance

1 deposit wagering licensee licensed under the Illinois Horse  
2 Racing Act of 1975, an owners licensee licensed under the  
3 ~~Illinois~~ Riverboat Gambling Act, or a licensee that operates,  
4 under any law of this State, one or more facilities or gaming  
5 locations at which lawful gambling is authorized and licensed  
6 as provided in the ~~Illinois~~ Riverboat Gambling Act.

7 (b) The Department may provide, by rule, for certification  
8 to any State gaming licensee of past due child support owed by  
9 a responsible relative under a support order entered by a court  
10 or administrative body of this or any other State on behalf of  
11 a resident or non-resident receiving child support services  
12 under this Article in accordance with the requirements of Title  
13 IV-D, Part D, of the Social Security Act. The State gaming  
14 licensee shall have the ability to withhold from winnings  
15 required to be reported to the Internal Revenue Service on Form  
16 W-2G, up to the full amount of winnings necessary to pay the  
17 winner's past due child support. The rule shall provide for  
18 notice to and an opportunity to be heard by each responsible  
19 relative affected and any final administrative decision  
20 rendered by the Department shall be reviewed only under and in  
21 accordance with the Administrative Review Law.

22 (c) For withholding of winnings, the State gaming licensee  
23 shall be entitled to an administrative fee not to exceed the  
24 lesser of 4% of the total amount of cash winnings paid to the  
25 gambling winner or \$150.

26 (d) In no event may the total amount withheld from the cash

1 payout, including the administrative fee, exceed the total cash  
2 winnings claimed by the obligor. If the cash payout claimed is  
3 greater than the amount sufficient to satisfy the obligor's  
4 delinquent child support payments, the State gaming licensee  
5 shall pay the obligor the remaining balance of the payout, less  
6 the administrative fee authorized by subsection (c) of this  
7 Section, at the time it is claimed.

8 (e) A State gaming licensee who in good faith complies with  
9 the requirements of this Section shall not be liable to the  
10 gaming winner or any other individual or entity.

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 Section 10-460. The Firearm Concealed Carry Act is amended  
13 by changing Section 65 as follows:

14 (430 ILCS 66/65)

15 Sec. 65. Prohibited areas.

16 (a) A licensee under this Act shall not knowingly carry a  
17 firearm on or into:

18 (1) Any building, real property, and parking area under  
19 the control of a public or private elementary or secondary  
20 school.

21 (2) Any building, real property, and parking area under  
22 the control of a pre-school or child care facility,  
23 including any room or portion of a building under the  
24 control of a pre-school or child care facility. Nothing in

1           this paragraph shall prevent the operator of a child care  
2           facility in a family home from owning or possessing a  
3           firearm in the home or license under this Act, if no child  
4           under child care at the home is present in the home or the  
5           firearm in the home is stored in a locked container when a  
6           child under child care at the home is present in the home.

7           (3) Any building, parking area, or portion of a  
8           building under the control of an officer of the executive  
9           or legislative branch of government, provided that nothing  
10          in this paragraph shall prohibit a licensee from carrying a  
11          concealed firearm onto the real property, bikeway, or trail  
12          in a park regulated by the Department of Natural Resources  
13          or any other designated public hunting area or building  
14          where firearm possession is permitted as established by the  
15          Department of Natural Resources under Section 1.8 of the  
16          Wildlife Code.

17          (4) Any building designated for matters before a  
18          circuit court, appellate court, or the Supreme Court, or  
19          any building or portion of a building under the control of  
20          the Supreme Court.

21          (5) Any building or portion of a building under the  
22          control of a unit of local government.

23          (6) Any building, real property, and parking area under  
24          the control of an adult or juvenile detention or  
25          correctional institution, prison, or jail.

26          (7) Any building, real property, and parking area under

1 the control of a public or private hospital or hospital  
2 affiliate, mental health facility, or nursing home.

3 (8) Any bus, train, or form of transportation paid for  
4 in whole or in part with public funds, and any building,  
5 real property, and parking area under the control of a  
6 public transportation facility paid for in whole or in part  
7 with public funds.

8 (9) Any building, real property, and parking area under  
9 the control of an establishment that serves alcohol on its  
10 premises, if more than 50% of the establishment's gross  
11 receipts within the prior 3 months is from the sale of  
12 alcohol. The owner of an establishment who knowingly fails  
13 to prohibit concealed firearms on its premises as provided  
14 in this paragraph or who knowingly makes a false statement  
15 or record to avoid the prohibition on concealed firearms  
16 under this paragraph is subject to the penalty under  
17 subsection (c-5) of Section 10-1 of the Liquor Control Act  
18 of 1934.

19 (10) Any public gathering or special event conducted on  
20 property open to the public that requires the issuance of a  
21 permit from the unit of local government, provided this  
22 prohibition shall not apply to a licensee who must walk  
23 through a public gathering in order to access his or her  
24 residence, place of business, or vehicle.

25 (11) Any building or real property that has been issued  
26 a Special Event Retailer's license as defined in Section

1 1-3.17.1 of the Liquor Control Act during the time  
2 designated for the sale of alcohol by the Special Event  
3 Retailer's license, or a Special use permit license as  
4 defined in subsection (q) of Section 5-1 of the Liquor  
5 Control Act during the time designated for the sale of  
6 alcohol by the Special use permit license.

7 (12) Any public playground.

8 (13) Any public park, athletic area, or athletic  
9 facility under the control of a municipality or park  
10 district, provided nothing in this Section shall prohibit a  
11 licensee from carrying a concealed firearm while on a trail  
12 or bikeway if only a portion of the trail or bikeway  
13 includes a public park.

14 (14) Any real property under the control of the Cook  
15 County Forest Preserve District.

16 (15) Any building, classroom, laboratory, medical  
17 clinic, hospital, artistic venue, athletic venue,  
18 entertainment venue, officially recognized  
19 university-related organization property, whether owned or  
20 leased, and any real property, including parking areas,  
21 sidewalks, and common areas under the control of a public  
22 or private community college, college, or university.

23 (16) Any building, real property, or parking area under  
24 the control of a gaming facility licensed under the  
25 ~~Illinois~~ Riverboat Gambling Act or the Illinois Horse  
26 Racing Act of 1975, including an inter-track wagering

1 location licensee.

2 (17) Any stadium, arena, or the real property or  
3 parking area under the control of a stadium, arena, or any  
4 collegiate or professional sporting event.

5 (18) Any building, real property, or parking area under  
6 the control of a public library.

7 (19) Any building, real property, or parking area under  
8 the control of an airport.

9 (20) Any building, real property, or parking area under  
10 the control of an amusement park.

11 (21) Any building, real property, or parking area under  
12 the control of a zoo or museum.

13 (22) Any street, driveway, parking area, property,  
14 building, or facility, owned, leased, controlled, or used  
15 by a nuclear energy, storage, weapons, or development site  
16 or facility regulated by the federal Nuclear Regulatory  
17 Commission. The licensee shall not under any circumstance  
18 store a firearm or ammunition in his or her vehicle or in a  
19 compartment or container within a vehicle located anywhere  
20 in or on the street, driveway, parking area, property,  
21 building, or facility described in this paragraph.

22 (23) Any area where firearms are prohibited under  
23 federal law.

24 (a-5) Nothing in this Act shall prohibit a public or  
25 private community college, college, or university from:

26 (1) prohibiting persons from carrying a firearm within



1 a vehicle owned, leased, or controlled by the college or  
2 university;

3 (2) developing resolutions, regulations, or policies  
4 regarding student, employee, or visitor misconduct and  
5 discipline, including suspension and expulsion;

6 (3) developing resolutions, regulations, or policies  
7 regarding the storage or maintenance of firearms, which  
8 must include designated areas where persons can park  
9 vehicles that carry firearms; and

10 (4) permitting the carrying or use of firearms for the  
11 purpose of instruction and curriculum of officially  
12 recognized programs, including but not limited to military  
13 science and law enforcement training programs, or in any  
14 designated area used for hunting purposes or target  
15 shooting.

16 (a-10) The owner of private real property of any type may  
17 prohibit the carrying of concealed firearms on the property  
18 under his or her control. The owner must post a sign in  
19 accordance with subsection (d) of this Section indicating that  
20 firearms are prohibited on the property, unless the property is  
21 a private residence.

22 (b) Notwithstanding subsections (a), (a-5), and (a-10) of  
23 this Section except under paragraph (22) or (23) of subsection  
24 (a), any licensee prohibited from carrying a concealed firearm  
25 into the parking area of a prohibited location specified in  
26 subsection (a), (a-5), or (a-10) of this Section shall be

1 permitted to carry a concealed firearm on or about his or her  
2 person within a vehicle into the parking area and may store a  
3 firearm or ammunition concealed in a case within a locked  
4 vehicle or locked container out of plain view within the  
5 vehicle in the parking area. A licensee may carry a concealed  
6 firearm in the immediate area surrounding his or her vehicle  
7 within a prohibited parking lot area only for the limited  
8 purpose of storing or retrieving a firearm within the vehicle's  
9 trunk. For purposes of this subsection, "case" includes a glove  
10 compartment or console that completely encloses the concealed  
11 firearm or ammunition, the trunk of the vehicle, or a firearm  
12 carrying box, shipping box, or other container.

13 (c) A licensee shall not be in violation of this Section  
14 while he or she is traveling along a public right of way that  
15 touches or crosses any of the premises under subsection (a),  
16 (a-5), or (a-10) of this Section if the concealed firearm is  
17 carried on his or her person in accordance with the provisions  
18 of this Act or is being transported in a vehicle by the  
19 licensee in accordance with all other applicable provisions of  
20 law.

21 (d) Signs stating that the carrying of firearms is  
22 prohibited shall be clearly and conspicuously posted at the  
23 entrance of a building, premises, or real property specified in  
24 this Section as a prohibited area, unless the building or  
25 premises is a private residence. Signs shall be of a uniform  
26 design as established by the Department and shall be 4 inches

1 by 6 inches in size. The Department shall adopt rules for  
2 standardized signs to be used under this subsection.

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 Section 10-470. The Criminal Code of 2012 is amended by  
5 changing Sections 28-1.1, 28-2, and 28-7 as follows:

6 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

7 Sec. 28-1.1. Syndicated gambling.

8 (a) Declaration of Purpose. Recognizing the close  
9 relationship between professional gambling and other organized  
10 crime, it is declared to be the policy of the legislature to  
11 restrain persons from engaging in the business of gambling for  
12 profit in this State. This Section shall be liberally construed  
13 and administered with a view to carrying out this policy.

14 (b) A person commits syndicated gambling when he or she  
15 operates a "policy game" or engages in the business of  
16 bookmaking.

17 (c) A person "operates a policy game" when he or she  
18 knowingly uses any premises or property for the purpose of  
19 receiving or knowingly does receive from what is commonly  
20 called "policy":

21 (1) money from a person other than the bettor or player  
22 whose bets or plays are represented by the money; or

23 (2) written "policy game" records, made or used over  
24 any period of time, from a person other than the bettor or

1 player whose bets or plays are represented by the written  
2 record.

3 (d) A person engages in bookmaking when he or she knowingly  
4 receives or accepts more than five bets or wagers upon the  
5 result of any trials or contests of skill, speed or power of  
6 endurance or upon any lot, chance, casualty, unknown or  
7 contingent event whatsoever, which bets or wagers shall be of  
8 such size that the total of the amounts of money paid or  
9 promised to be paid to the bookmaker on account thereof shall  
10 exceed \$2,000. Bookmaking is the receiving or accepting of bets  
11 or wagers regardless of the form or manner in which the  
12 bookmaker records them.

13 (e) Participants in any of the following activities shall  
14 not be convicted of syndicated gambling:

15 (1) Agreements to compensate for loss caused by the  
16 happening of chance including without limitation contracts  
17 of indemnity or guaranty and life or health or accident  
18 insurance;

19 (2) Offers of prizes, award or compensation to the  
20 actual contestants in any bona fide contest for the  
21 determination of skill, speed, strength or endurance or to  
22 the owners of animals or vehicles entered in the contest;

23 (3) Pari-mutuel betting as authorized by law of this  
24 State;

25 (4) Manufacture of gambling devices, including the  
26 acquisition of essential parts therefor and the assembly

1           thereof, for transportation in interstate or foreign  
2           commerce to any place outside this State when the  
3           transportation is not prohibited by any applicable Federal  
4           law;

5           (5) Raffles and poker runs when conducted in accordance  
6           with the Raffles and Poker Runs Act;

7           (6) Gambling games conducted on riverboats, ~~in~~  
8           ~~casinos, or at organization gaming facilities~~ when  
9           authorized by the ~~Illinois~~ Riverboat Gambling Act;

10          (7) Video gaming terminal games at a licensed  
11          establishment, licensed truck stop establishment, ~~licensed~~  
12          ~~large truck stop establishment,~~ licensed fraternal  
13          establishment, or licensed veterans establishment when  
14          conducted in accordance with the Video Gaming Act; and

15          (8) Savings promotion raffles authorized under Section  
16          5g of the Illinois Banking Act, Section 7008 of the Savings  
17          Bank Act, Section 42.7 of the Illinois Credit Union Act,  
18          Section 5136B of the National Bank Act (12 U.S.C. 25a), or  
19          Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

20          (f) Sentence. Syndicated gambling is a Class 3 felony.

21          (Source: P.A. 101-31, eff. 6-28-19.)

22                 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

23                 Sec. 28-2. Definitions.

24                 (a) A "gambling device" is any clock, tape machine, slot  
25                 machine or other machines or device for the reception of money

1 or other thing of value on chance or skill or upon the action  
2 of which money or other thing of value is staked, hazarded,  
3 bet, won, or lost; or any mechanism, furniture, fixture,  
4 equipment, or other device designed primarily for use in a  
5 gambling place. A "gambling device" does not include:

6 (1) A coin-in-the-slot operated mechanical device  
7 played for amusement which rewards the player with the  
8 right to replay such mechanical device, which device is so  
9 constructed or devised as to make such result of the  
10 operation thereof depend in part upon the skill of the  
11 player and which returns to the player thereof no money,  
12 property, or right to receive money or property.

13 (2) Vending machines by which full and adequate return  
14 is made for the money invested and in which there is no  
15 element of chance or hazard.

16 (3) A crane game. For the purposes of this paragraph  
17 (3), a "crane game" is an amusement device involving skill,  
18 if it rewards the player exclusively with merchandise  
19 contained within the amusement device proper and limited to  
20 toys, novelties, and prizes other than currency, each  
21 having a wholesale value which is not more than \$25.

22 (4) A redemption machine. For the purposes of this  
23 paragraph (4), a "redemption machine" is a single-player or  
24 multi-player amusement device involving a game, the object  
25 of which is throwing, rolling, bowling, shooting, placing,  
26 or propelling a ball or other object that is either

1 physical or computer generated on a display or with lights  
2 into, upon, or against a hole or other target that is  
3 either physical or computer generated on a display or with  
4 lights, or stopping, by physical, mechanical, or  
5 electronic means, a moving object that is either physical  
6 or computer generated on a display or with lights into,  
7 upon, or against a hole or other target that is either  
8 physical or computer generated on a display or with lights,  
9 provided that all of the following conditions are met:

10 (A) The outcome of the game is predominantly  
11 determined by the skill of the player.

12 (B) The award of the prize is based solely upon the  
13 player's achieving the object of the game or otherwise  
14 upon the player's score.

15 (C) Only merchandise prizes are awarded.

16 (D) The wholesale value of prizes awarded in lieu  
17 of tickets or tokens for single play of the device does  
18 not exceed \$25.

19 (E) The redemption value of tickets, tokens, and  
20 other representations of value, which may be  
21 accumulated by players to redeem prizes of greater  
22 value, for a single play of the device does not exceed  
23 \$25.

24 (5) Video gaming terminals at a licensed  
25 establishment, licensed truck stop establishment, ~~licensed~~  
26 ~~large truck stop establishment,~~ licensed fraternal

1 establishment, or licensed veterans establishment licensed  
2 in accordance with the Video Gaming Act.

3 (a-5) "Internet" means an interactive computer service or  
4 system or an information service, system, or access software  
5 provider that provides or enables computer access by multiple  
6 users to a computer server, and includes, but is not limited  
7 to, an information service, system, or access software provider  
8 that provides access to a network system commonly known as the  
9 Internet, or any comparable system or service and also  
10 includes, but is not limited to, a World Wide Web page,  
11 newsgroup, message board, mailing list, or chat area on any  
12 interactive computer service or system or other online service.

13 (a-6) "Access" has the meaning ascribed to the term in  
14 Section 17-55.

15 (a-7) "Computer" has the meaning ascribed to the term in  
16 Section 17-0.5.

17 (b) A "lottery" is any scheme or procedure whereby one or  
18 more prizes are distributed by chance among persons who have  
19 paid or promised consideration for a chance to win such prizes,  
20 whether such scheme or procedure is called a lottery, raffle,  
21 gift, sale, or some other name, excluding savings promotion  
22 raffles authorized under Section 5g of the Illinois Banking  
23 Act, Section 7008 of the Savings Bank Act, Section 42.7 of the  
24 Illinois Credit Union Act, Section 5136B of the National Bank  
25 Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act  
26 (12 U.S.C. 1463).



1 (c) A "policy game" is any scheme or procedure whereby a  
2 person promises or guarantees by any instrument, bill,  
3 certificate, writing, token, or other device that any  
4 particular number, character, ticket, or certificate shall in  
5 the event of any contingency in the nature of a lottery entitle  
6 the purchaser or holder to receive money, property, or evidence  
7 of debt.

8 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;  
9 revised 8-6-19.)

10 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

11 Sec. 28-7. Gambling contracts void.

12 (a) All promises, notes, bills, bonds, covenants,  
13 contracts, agreements, judgments, mortgages, or other  
14 securities or conveyances made, given, granted, drawn, or  
15 entered into, or executed by any person whatsoever, where the  
16 whole or any part of the consideration thereof is for any money  
17 or thing of value, won or obtained in violation of any Section  
18 of this Article are null and void.

19 (b) Any obligation void under this Section may be set aside  
20 and vacated by any court of competent jurisdiction, upon a  
21 complaint filed for that purpose, by the person so granting,  
22 giving, entering into, or executing the same, or by his  
23 executors or administrators, or by any creditor, heir, legatee,  
24 purchaser or other person interested therein; or if a judgment,  
25 the same may be set aside on motion of any person stated above,

1 on due notice thereof given.

2 (c) No assignment of any obligation void under this Section  
3 may in any manner affect the defense of the person giving,  
4 granting, drawing, entering into or executing such obligation,  
5 or the remedies of any person interested therein.

6 (d) This Section shall not prevent a licensed owner of a  
7 riverboat gambling operation, ~~a casino gambling operation, or~~  
8 ~~an organization gaming licensee under the Illinois Gambling Act~~  
9 ~~and the Illinois Horse Racing Act of 1975~~ from instituting a  
10 cause of action to collect any amount due and owing under an  
11 extension of credit to a riverboat gambling patron as  
12 authorized under ~~Section 11.1 of the Illinois~~ Riverboat  
13 Gambling Act.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 Section 10-480. The Payday Loan Reform Act is amended by  
16 changing Section 3-5 as follows:

17 (815 ILCS 122/3-5)

18 Sec. 3-5. Licensure.

19 (a) A license to make a payday loan shall state the  
20 address, including city and state, at which the business is to  
21 be conducted and shall state fully the name of the licensee.  
22 The license shall be conspicuously posted in the place of  
23 business of the licensee and shall not be transferable or  
24 assignable.

1           (b) An application for a license shall be in writing and in  
2 a form prescribed by the Secretary. The Secretary may not issue  
3 a payday loan license unless and until the following findings  
4 are made:

5           (1) that the financial responsibility, experience,  
6 character, and general fitness of the applicant are such as  
7 to command the confidence of the public and to warrant the  
8 belief that the business will be operated lawfully and  
9 fairly and within the provisions and purposes of this Act;  
10 and

11           (2) that the applicant has submitted such other  
12 information as the Secretary may deem necessary.

13           (c) A license shall be issued for no longer than one year,  
14 and no renewal of a license may be provided if a licensee has  
15 substantially violated this Act and has not cured the violation  
16 to the satisfaction of the Department.

17           (d) A licensee shall appoint, in writing, the Secretary as  
18 attorney-in-fact upon whom all lawful process against the  
19 licensee may be served with the same legal force and validity  
20 as if served on the licensee. A copy of the written  
21 appointment, duly certified, shall be filed in the office of  
22 the Secretary, and a copy thereof certified by the Secretary  
23 shall be sufficient evidence to subject a licensee to  
24 jurisdiction in a court of law. This appointment shall remain  
25 in effect while any liability remains outstanding in this State  
26 against the licensee. When summons is served upon the Secretary

1 as attorney-in-fact for a licensee, the Secretary shall  
2 immediately notify the licensee by registered mail, enclosing  
3 the summons and specifying the hour and day of service.

4 (e) A licensee must pay an annual fee of \$1,000. In  
5 addition to the license fee, the reasonable expense of any  
6 examination or hearing by the Secretary under any provisions of  
7 this Act shall be borne by the licensee. If a licensee fails to  
8 renew its license by December 1, its license shall  
9 automatically expire; however, the Secretary, in his or her  
10 discretion, may reinstate an expired license upon:

11 (1) payment of the annual fee within 30 days of the  
12 date of expiration; and

13 (2) proof of good cause for failure to renew.

14 (f) Not more than one place of business shall be maintained  
15 under the same license, but the Secretary may issue more than  
16 one license to the same licensee upon compliance with all the  
17 provisions of this Act governing issuance of a single license.  
18 The location, except those locations already in existence as of  
19 June 1, 2005, may not be within one mile of a horse race track  
20 subject to the Illinois Horse Racing Act of 1975, within one  
21 mile of a facility at which gambling is conducted under the  
22 ~~Illinois~~ Riverboat Gambling Act, within one mile of the  
23 location at which a riverboat subject to the ~~Illinois~~ Riverboat  
24 Gambling Act docks, or within one mile of any State of Illinois  
25 or United States military base or naval installation.

26 (g) No licensee shall conduct the business of making loans

1 under this Act within any office, suite, room, or place of  
2 business in which (1) any loans are offered or made under the  
3 Consumer Installment Loan Act other than title secured loans as  
4 defined in subsection (a) of Section 15 of the Consumer  
5 Installment Loan Act and governed by Title 38, Section 110.330  
6 of the Illinois Administrative Code or (2) any other business  
7 is solicited or engaged in unless the other business is  
8 licensed by the Department or, in the opinion of the Secretary,  
9 the other business would not be contrary to the best interests  
10 of consumers and is authorized by the Secretary in writing.

11 (g-5) Notwithstanding subsection (g) of this Section, a  
12 licensee may obtain a license under the Consumer Installment  
13 Loan Act (CILA) for the exclusive purpose and use of making  
14 title secured loans, as defined in subsection (a) of Section 15  
15 of CILA and governed by Title 38, Section 110.300 of the  
16 Illinois Administrative Code. A licensee may continue to  
17 service Consumer Installment Loan Act loans that were  
18 outstanding as of the effective date of this amendatory Act of  
19 the 96th General Assembly.

20 (h) The Secretary shall maintain a list of licensees that  
21 shall be available to interested consumers and lenders and the  
22 public. The Secretary shall maintain a toll-free number whereby  
23 consumers may obtain information about licensees. The  
24 Secretary shall also establish a complaint process under which  
25 an aggrieved consumer may file a complaint against a licensee  
26 or non-licensee who violates any provision of this Act.

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 Section 10-500. The Travel Promotion Consumer Protection  
3 Act is amended by changing Section 2 as follows:

4 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

5 Sec. 2. Definitions.

6 (a) "Travel promoter" means a person, including a tour  
7 operator, who sells, provides, furnishes, contracts for,  
8 arranges or advertises that he or she will arrange wholesale or  
9 retail transportation by air, land, sea or navigable stream,  
10 either separately or in conjunction with other services.  
11 "Travel promoter" does not include (1) an air carrier; (2) a  
12 sea carrier; (3) an officially appointed agent of an air  
13 carrier who is a member in good standing of the Airline  
14 Reporting Corporation; (4) a travel promoter who has in force  
15 \$1,000,000 or more of liability insurance coverage for  
16 professional errors and omissions and a surety bond or  
17 equivalent surety in the amount of \$100,000 or more for the  
18 benefit of consumers in the event of a bankruptcy on the part  
19 of the travel promoter; or (5) a riverboat subject to  
20 regulation under the ~~Illinois~~ Riverboat Gambling Act.

21 (b) "Advertise" means to make any representation in the  
22 solicitation of passengers and includes communication with  
23 other members of the same partnership, corporation, joint  
24 venture, association, organization, group or other entity.

1 (c) "Passenger" means a person on whose behalf money or  
2 other consideration has been given or is to be given to  
3 another, including another member of the same partnership,  
4 corporation, joint venture, association, organization, group  
5 or other entity, for travel.

6 (d) "Ticket or voucher" means a writing or combination of  
7 writings which is itself good and sufficient to obtain  
8 transportation and other services for which the passenger has  
9 contracted.

10 (Source: P.A. 101-31, eff. 6-28-19.)

11 Section 10-505. The State Finance Act is amended by adding  
12 Section 5.490a as follows:

13 (30 ILCS 105/5.490a new)

14 Sec. 5.490a. The Horse Racing Equity Fund.

15 Section 10-510. The Illinois Horse Racing Act of 1975 is  
16 amended by adding Sections 2.1a and 54a as follows:

17 (230 ILCS 5/2.1a new)

18 Sec. 2.1a. Before the Governor or any executive agency of  
19 State government makes any commitment, whether or not legally  
20 binding, with respect to a proposed project for the development  
21 or construction of any new horse racing facility, or for any  
22 development or construction on the site of a former horse

1 racine facility, which commitment will require legislative  
2 action by the General Assembly for its implementation, the  
3 Governor or agency shall first report to the General Assembly  
4 on the nature of the proposed project and commitment, including  
5 an indication of the type of legislative action likely to be  
6 required.

7 In considering such report, the General Assembly may adopt  
8 a joint resolution indicating the sense of the legislature with  
9 respect to the proposal, and the likelihood of its undertaking  
10 the legislative action that will be needed, but such resolution  
11 shall not be deemed to bind the General Assembly, the Governor,  
12 or the State of Illinois in any way.

13 (230 ILCS 5/54a new)

14 Sec. 54a. Horse Racing Equity Fund.

15 (a) There is created in the State Treasury a Fund to be  
16 known as the Horse Racing Equity Fund. The Fund shall consist  
17 of moneys paid into it pursuant to subsection (c-5) of Section  
18 13 of the Riverboat Gambling Act. The Fund shall be  
19 administered by the Racing Board.

20 (b) The moneys deposited into the Fund shall be distributed  
21 by the Racing Board within 10 days after those moneys are  
22 deposited into the Fund as follows:

23 (1) Fifty percent of all moneys distributed under this  
24 subsection shall be distributed to organization licensees  
25 to be distributed at their race meetings as purses.



1 Fifty-seven percent of the amount distributed under this  
2 paragraph (1) shall be distributed for thoroughbred race  
3 meetings and 43% shall be distributed for standardbred race  
4 meetings. Within each breed, moneys shall be allocated to  
5 each organization licensee's purse fund in accordance with  
6 the ratio between the purses generated for that breed by  
7 that licensee during the prior calendar year and the total  
8 purses generated throughout the State for that breed during  
9 the prior calendar year.

10 (2) The remaining 50% of the moneys distributed under  
11 this subsection (b) shall be distributed pro rata according  
12 to the aggregate proportion of state-wide handle at the  
13 racetrack, inter-track, and inter-track wagering locations  
14 that derive their licenses from a racetrack identified in  
15 this paragraph (2) for calendar years 1994, 1996, and 1997  
16 to (i) any person (or its successors or assigns) who had  
17 operating control of a racing facility at which live racing  
18 was conducted in calendar year 1997 and who has operating  
19 control of an organization licensee that conducted racing  
20 in calendar year 1997 and is a licensee in the current  
21 year, or (ii) any person (or its successors or assigns) who  
22 has operating control of a racing facility located in a  
23 county that is bounded by the Mississippi River that has a  
24 population of less than 150,000 according to the 1990  
25 decennial census and conducted an average of 60 days of  
26 racing per year between 1985 and 1993 and has been awarded

1 an inter-track wagering license in the current year.

2 If any person identified in this paragraph (2) becomes  
3 ineligible to receive moneys from the Fund, such amount  
4 shall be redistributed among the remaining persons in  
5 proportion to their percentages otherwise calculated.

6 Article 15.

7 (30 ILCS 178/Act rep.)

8 Section 15-1. The Transportation Funding Protection Act is  
9 repealed.

10 Section 15-10. The Use Tax Act is amended by changing  
11 Section 9 as follows:

12 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

13 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
14 and trailers that are required to be registered with an agency  
15 of this State, each retailer required or authorized to collect  
16 the tax imposed by this Act shall pay to the Department the  
17 amount of such tax (except as otherwise provided) at the time  
18 when he is required to file his return for the period during  
19 which such tax was collected, less a discount of 2.1% prior to  
20 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
21 per calendar year, whichever is greater, which is allowed to  
22 reimburse the retailer for expenses incurred in collecting the

1 tax, keeping records, preparing and filing returns, remitting  
2 the tax and supplying data to the Department on request. The  
3 discount under this Section is not allowed for the 1.25%  
4 portion of taxes paid on aviation fuel that is subject to the  
5 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
6 47133. In the case of retailers who report and pay the tax on a  
7 transaction by transaction basis, as provided in this Section,  
8 such discount shall be taken with each such tax remittance  
9 instead of when such retailer files his periodic return. The  
10 discount allowed under this Section is allowed only for returns  
11 that are filed in the manner required by this Act. The  
12 Department may disallow the discount for retailers whose  
13 certificate of registration is revoked at the time the return  
14 is filed, but only if the Department's decision to revoke the  
15 certificate of registration has become final. A retailer need  
16 not remit that part of any tax collected by him to the extent  
17 that he is required to remit and does remit the tax imposed by  
18 the Retailers' Occupation Tax Act, with respect to the sale of  
19 the same property.

20 Where such tangible personal property is sold under a  
21 conditional sales contract, or under any other form of sale  
22 wherein the payment of the principal sum, or a part thereof, is  
23 extended beyond the close of the period for which the return is  
24 filed, the retailer, in collecting the tax (except as to motor  
25 vehicles, watercraft, aircraft, and trailers that are required  
26 to be registered with an agency of this State), may collect for

1 each tax return period, only the tax applicable to that part of  
2 the selling price actually received during such tax return  
3 period.

4 Except as provided in this Section, on or before the  
5 twentieth day of each calendar month, such retailer shall file  
6 a return for the preceding calendar month. Such return shall be  
7 filed on forms prescribed by the Department and shall furnish  
8 such information as the Department may reasonably require. On  
9 and after January 1, 2018, except for returns for motor  
10 vehicles, watercraft, aircraft, and trailers that are required  
11 to be registered with an agency of this State, with respect to  
12 retailers whose annual gross receipts average \$20,000 or more,  
13 all returns required to be filed pursuant to this Act shall be  
14 filed electronically. Retailers who demonstrate that they do  
15 not have access to the Internet or demonstrate hardship in  
16 filing electronically may petition the Department to waive the  
17 electronic filing requirement.

18 The Department may require returns to be filed on a  
19 quarterly basis. If so required, a return for each calendar  
20 quarter shall be filed on or before the twentieth day of the  
21 calendar month following the end of such calendar quarter. The  
22 taxpayer shall also file a return with the Department for each  
23 of the first two months of each calendar quarter, on or before  
24 the twentieth day of the following calendar month, stating:

- 25 1. The name of the seller;
- 26 2. The address of the principal place of business from

1           which he engages in the business of selling tangible  
2           personal property at retail in this State;

3           3. The total amount of taxable receipts received by him  
4           during the preceding calendar month from sales of tangible  
5           personal property by him during such preceding calendar  
6           month, including receipts from charge and time sales, but  
7           less all deductions allowed by law;

8           4. The amount of credit provided in Section 2d of this  
9           Act;

10          5. The amount of tax due;

11          5-5. The signature of the taxpayer; and

12          6. Such other reasonable information as the Department  
13          may require.

14          Each retailer required or authorized to collect the tax  
15          imposed by this Act on aviation fuel sold at retail in this  
16          State during the preceding calendar month shall, instead of  
17          reporting and paying tax on aviation fuel as otherwise required  
18          by this Section, report and pay such tax on a separate aviation  
19          fuel tax return. The requirements related to the return shall  
20          be as otherwise provided in this Section. Notwithstanding any  
21          other provisions of this Act to the contrary, retailers  
22          collecting tax on aviation fuel shall file all aviation fuel  
23          tax returns and shall make all aviation fuel tax payments by  
24          electronic means in the manner and form required by the  
25          Department. For purposes of this Section, "aviation fuel" means  
26          jet fuel and aviation gasoline.

1           If a taxpayer fails to sign a return within 30 days after  
2 the proper notice and demand for signature by the Department,  
3 the return shall be considered valid and any amount shown to be  
4 due on the return shall be deemed assessed.

5           Notwithstanding any other provision of this Act to the  
6 contrary, retailers subject to tax on cannabis shall file all  
7 cannabis tax returns and shall make all cannabis tax payments  
8 by electronic means in the manner and form required by the  
9 Department.

10           Beginning October 1, 1993, a taxpayer who has an average  
11 monthly tax liability of \$150,000 or more shall make all  
12 payments required by rules of the Department by electronic  
13 funds transfer. Beginning October 1, 1994, a taxpayer who has  
14 an average monthly tax liability of \$100,000 or more shall make  
15 all payments required by rules of the Department by electronic  
16 funds transfer. Beginning October 1, 1995, a taxpayer who has  
17 an average monthly tax liability of \$50,000 or more shall make  
18 all payments required by rules of the Department by electronic  
19 funds transfer. Beginning October 1, 2000, a taxpayer who has  
20 an annual tax liability of \$200,000 or more shall make all  
21 payments required by rules of the Department by electronic  
22 funds transfer. The term "annual tax liability" shall be the  
23 sum of the taxpayer's liabilities under this Act, and under all  
24 other State and local occupation and use tax laws administered  
25 by the Department, for the immediately preceding calendar year.  
26 The term "average monthly tax liability" means the sum of the

1 taxpayer's liabilities under this Act, and under all other  
2 State and local occupation and use tax laws administered by the  
3 Department, for the immediately preceding calendar year  
4 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
5 a tax liability in the amount set forth in subsection (b) of  
6 Section 2505-210 of the Department of Revenue Law shall make  
7 all payments required by rules of the Department by electronic  
8 funds transfer.

9 Before August 1 of each year beginning in 1993, the  
10 Department shall notify all taxpayers required to make payments  
11 by electronic funds transfer. All taxpayers required to make  
12 payments by electronic funds transfer shall make those payments  
13 for a minimum of one year beginning on October 1.

14 Any taxpayer not required to make payments by electronic  
15 funds transfer may make payments by electronic funds transfer  
16 with the permission of the Department.

17 All taxpayers required to make payment by electronic funds  
18 transfer and any taxpayers authorized to voluntarily make  
19 payments by electronic funds transfer shall make those payments  
20 in the manner authorized by the Department.

21 The Department shall adopt such rules as are necessary to  
22 effectuate a program of electronic funds transfer and the  
23 requirements of this Section.

24 Before October 1, 2000, if the taxpayer's average monthly  
25 tax liability to the Department under this Act, the Retailers'  
26 Occupation Tax Act, the Service Occupation Tax Act, the Service

1 Use Tax Act was \$10,000 or more during the preceding 4 complete  
2 calendar quarters, he shall file a return with the Department  
3 each month by the 20th day of the month next following the  
4 month during which such tax liability is incurred and shall  
5 make payments to the Department on or before the 7th, 15th,  
6 22nd and last day of the month during which such liability is  
7 incurred. On and after October 1, 2000, if the taxpayer's  
8 average monthly tax liability to the Department under this Act,  
9 the Retailers' Occupation Tax Act, the Service Occupation Tax  
10 Act, and the Service Use Tax Act was \$20,000 or more during the  
11 preceding 4 complete calendar quarters, he shall file a return  
12 with the Department each month by the 20th day of the month  
13 next following the month during which such tax liability is  
14 incurred and shall make payment to the Department on or before  
15 the 7th, 15th, 22nd and last day of the month during which such  
16 liability is incurred. If the month during which such tax  
17 liability is incurred began prior to January 1, 1985, each  
18 payment shall be in an amount equal to 1/4 of the taxpayer's  
19 actual liability for the month or an amount set by the  
20 Department not to exceed 1/4 of the average monthly liability  
21 of the taxpayer to the Department for the preceding 4 complete  
22 calendar quarters (excluding the month of highest liability and  
23 the month of lowest liability in such 4 quarter period). If the  
24 month during which such tax liability is incurred begins on or  
25 after January 1, 1985, and prior to January 1, 1987, each  
26 payment shall be in an amount equal to 22.5% of the taxpayer's



1 actual liability for the month or 27.5% of the taxpayer's  
2 liability for the same calendar month of the preceding year. If  
3 the month during which such tax liability is incurred begins on  
4 or after January 1, 1987, and prior to January 1, 1988, each  
5 payment shall be in an amount equal to 22.5% of the taxpayer's  
6 actual liability for the month or 26.25% of the taxpayer's  
7 liability for the same calendar month of the preceding year. If  
8 the month during which such tax liability is incurred begins on  
9 or after January 1, 1988, and prior to January 1, 1989, or  
10 begins on or after January 1, 1996, each payment shall be in an  
11 amount equal to 22.5% of the taxpayer's actual liability for  
12 the month or 25% of the taxpayer's liability for the same  
13 calendar month of the preceding year. If the month during which  
14 such tax liability is incurred begins on or after January 1,  
15 1989, and prior to January 1, 1996, each payment shall be in an  
16 amount equal to 22.5% of the taxpayer's actual liability for  
17 the month or 25% of the taxpayer's liability for the same  
18 calendar month of the preceding year or 100% of the taxpayer's  
19 actual liability for the quarter monthly reporting period. The  
20 amount of such quarter monthly payments shall be credited  
21 against the final tax liability of the taxpayer's return for  
22 that month. Before October 1, 2000, once applicable, the  
23 requirement of the making of quarter monthly payments to the  
24 Department shall continue until such taxpayer's average  
25 monthly liability to the Department during the preceding 4  
26 complete calendar quarters (excluding the month of highest

1 liability and the month of lowest liability) is less than  
2 \$9,000, or until such taxpayer's average monthly liability to  
3 the Department as computed for each calendar quarter of the 4  
4 preceding complete calendar quarter period is less than  
5 \$10,000. However, if a taxpayer can show the Department that a  
6 substantial change in the taxpayer's business has occurred  
7 which causes the taxpayer to anticipate that his average  
8 monthly tax liability for the reasonably foreseeable future  
9 will fall below the \$10,000 threshold stated above, then such  
10 taxpayer may petition the Department for change in such  
11 taxpayer's reporting status. On and after October 1, 2000, once  
12 applicable, the requirement of the making of quarter monthly  
13 payments to the Department shall continue until such taxpayer's  
14 average monthly liability to the Department during the  
15 preceding 4 complete calendar quarters (excluding the month of  
16 highest liability and the month of lowest liability) is less  
17 than \$19,000 or until such taxpayer's average monthly liability  
18 to the Department as computed for each calendar quarter of the  
19 4 preceding complete calendar quarter period is less than  
20 \$20,000. However, if a taxpayer can show the Department that a  
21 substantial change in the taxpayer's business has occurred  
22 which causes the taxpayer to anticipate that his average  
23 monthly tax liability for the reasonably foreseeable future  
24 will fall below the \$20,000 threshold stated above, then such  
25 taxpayer may petition the Department for a change in such  
26 taxpayer's reporting status. The Department shall change such

1 taxpayer's reporting status unless it finds that such change is  
2 seasonal in nature and not likely to be long term. If any such  
3 quarter monthly payment is not paid at the time or in the  
4 amount required by this Section, then the taxpayer shall be  
5 liable for penalties and interest on the difference between the  
6 minimum amount due and the amount of such quarter monthly  
7 payment actually and timely paid, except insofar as the  
8 taxpayer has previously made payments for that month to the  
9 Department in excess of the minimum payments previously due as  
10 provided in this Section. The Department shall make reasonable  
11 rules and regulations to govern the quarter monthly payment  
12 amount and quarter monthly payment dates for taxpayers who file  
13 on other than a calendar monthly basis.

14 If any such payment provided for in this Section exceeds  
15 the taxpayer's liabilities under this Act, the Retailers'  
16 Occupation Tax Act, the Service Occupation Tax Act and the  
17 Service Use Tax Act, as shown by an original monthly return,  
18 the Department shall issue to the taxpayer a credit memorandum  
19 no later than 30 days after the date of payment, which  
20 memorandum may be submitted by the taxpayer to the Department  
21 in payment of tax liability subsequently to be remitted by the  
22 taxpayer to the Department or be assigned by the taxpayer to a  
23 similar taxpayer under this Act, the Retailers' Occupation Tax  
24 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
25 in accordance with reasonable rules and regulations to be  
26 prescribed by the Department, except that if such excess

1 payment is shown on an original monthly return and is made  
2 after December 31, 1986, no credit memorandum shall be issued,  
3 unless requested by the taxpayer. If no such request is made,  
4 the taxpayer may credit such excess payment against tax  
5 liability subsequently to be remitted by the taxpayer to the  
6 Department under this Act, the Retailers' Occupation Tax Act,  
7 the Service Occupation Tax Act or the Service Use Tax Act, in  
8 accordance with reasonable rules and regulations prescribed by  
9 the Department. If the Department subsequently determines that  
10 all or any part of the credit taken was not actually due to the  
11 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
12 be reduced by 2.1% or 1.75% of the difference between the  
13 credit taken and that actually due, and the taxpayer shall be  
14 liable for penalties and interest on such difference.

15 If the retailer is otherwise required to file a monthly  
16 return and if the retailer's average monthly tax liability to  
17 the Department does not exceed \$200, the Department may  
18 authorize his returns to be filed on a quarter annual basis,  
19 with the return for January, February, and March of a given  
20 year being due by April 20 of such year; with the return for  
21 April, May and June of a given year being due by July 20 of such  
22 year; with the return for July, August and September of a given  
23 year being due by October 20 of such year, and with the return  
24 for October, November and December of a given year being due by  
25 January 20 of the following year.

26 If the retailer is otherwise required to file a monthly or

1 quarterly return and if the retailer's average monthly tax  
2 liability to the Department does not exceed \$50, the Department  
3 may authorize his returns to be filed on an annual basis, with  
4 the return for a given year being due by January 20 of the  
5 following year.

6 Such quarter annual and annual returns, as to form and  
7 substance, shall be subject to the same requirements as monthly  
8 returns.

9 Notwithstanding any other provision in this Act concerning  
10 the time within which a retailer may file his return, in the  
11 case of any retailer who ceases to engage in a kind of business  
12 which makes him responsible for filing returns under this Act,  
13 such retailer shall file a final return under this Act with the  
14 Department not more than one month after discontinuing such  
15 business.

16 In addition, with respect to motor vehicles, watercraft,  
17 aircraft, and trailers that are required to be registered with  
18 an agency of this State, except as otherwise provided in this  
19 Section, every retailer selling this kind of tangible personal  
20 property shall file, with the Department, upon a form to be  
21 prescribed and supplied by the Department, a separate return  
22 for each such item of tangible personal property which the  
23 retailer sells, except that if, in the same transaction, (i) a  
24 retailer of aircraft, watercraft, motor vehicles or trailers  
25 transfers more than one aircraft, watercraft, motor vehicle or  
26 trailer to another aircraft, watercraft, motor vehicle or

1 trailer retailer for the purpose of resale or (ii) a retailer  
2 of aircraft, watercraft, motor vehicles, or trailers transfers  
3 more than one aircraft, watercraft, motor vehicle, or trailer  
4 to a purchaser for use as a qualifying rolling stock as  
5 provided in Section 3-55 of this Act, then that seller may  
6 report the transfer of all the aircraft, watercraft, motor  
7 vehicles or trailers involved in that transaction to the  
8 Department on the same uniform invoice-transaction reporting  
9 return form. For purposes of this Section, "watercraft" means a  
10 Class 2, Class 3, or Class 4 watercraft as defined in Section  
11 3-2 of the Boat Registration and Safety Act, a personal  
12 watercraft, or any boat equipped with an inboard motor.

13 In addition, with respect to motor vehicles, watercraft,  
14 aircraft, and trailers that are required to be registered with  
15 an agency of this State, every person who is engaged in the  
16 business of leasing or renting such items and who, in  
17 connection with such business, sells any such item to a  
18 retailer for the purpose of resale is, notwithstanding any  
19 other provision of this Section to the contrary, authorized to  
20 meet the return-filing requirement of this Act by reporting the  
21 transfer of all the aircraft, watercraft, motor vehicles, or  
22 trailers transferred for resale during a month to the  
23 Department on the same uniform invoice-transaction reporting  
24 return form on or before the 20th of the month following the  
25 month in which the transfer takes place. Notwithstanding any  
26 other provision of this Act to the contrary, all returns filed

1 under this paragraph must be filed by electronic means in the  
2 manner and form as required by the Department.

3 The transaction reporting return in the case of motor  
4 vehicles or trailers that are required to be registered with an  
5 agency of this State, shall be the same document as the Uniform  
6 Invoice referred to in Section 5-402 of the Illinois Vehicle  
7 Code and must show the name and address of the seller; the name  
8 and address of the purchaser; the amount of the selling price  
9 including the amount allowed by the retailer for traded-in  
10 property, if any; the amount allowed by the retailer for the  
11 traded-in tangible personal property, if any, to the extent to  
12 which Section 2 of this Act allows an exemption for the value  
13 of traded-in property; the balance payable after deducting such  
14 trade-in allowance from the total selling price; the amount of  
15 tax due from the retailer with respect to such transaction; the  
16 amount of tax collected from the purchaser by the retailer on  
17 such transaction (or satisfactory evidence that such tax is not  
18 due in that particular instance, if that is claimed to be the  
19 fact); the place and date of the sale; a sufficient  
20 identification of the property sold; such other information as  
21 is required in Section 5-402 of the Illinois Vehicle Code, and  
22 such other information as the Department may reasonably  
23 require.

24 The transaction reporting return in the case of watercraft  
25 and aircraft must show the name and address of the seller; the  
26 name and address of the purchaser; the amount of the selling

1 price including the amount allowed by the retailer for  
2 traded-in property, if any; the amount allowed by the retailer  
3 for the traded-in tangible personal property, if any, to the  
4 extent to which Section 2 of this Act allows an exemption for  
5 the value of traded-in property; the balance payable after  
6 deducting such trade-in allowance from the total selling price;  
7 the amount of tax due from the retailer with respect to such  
8 transaction; the amount of tax collected from the purchaser by  
9 the retailer on such transaction (or satisfactory evidence that  
10 such tax is not due in that particular instance, if that is  
11 claimed to be the fact); the place and date of the sale, a  
12 sufficient identification of the property sold, and such other  
13 information as the Department may reasonably require.

14 Such transaction reporting return shall be filed not later  
15 than 20 days after the date of delivery of the item that is  
16 being sold, but may be filed by the retailer at any time sooner  
17 than that if he chooses to do so. The transaction reporting  
18 return and tax remittance or proof of exemption from the tax  
19 that is imposed by this Act may be transmitted to the  
20 Department by way of the State agency with which, or State  
21 officer with whom, the tangible personal property must be  
22 titled or registered (if titling or registration is required)  
23 if the Department and such agency or State officer determine  
24 that this procedure will expedite the processing of  
25 applications for title or registration.

26 With each such transaction reporting return, the retailer



1 shall remit the proper amount of tax due (or shall submit  
2 satisfactory evidence that the sale is not taxable if that is  
3 the case), to the Department or its agents, whereupon the  
4 Department shall issue, in the purchaser's name, a tax receipt  
5 (or a certificate of exemption if the Department is satisfied  
6 that the particular sale is tax exempt) which such purchaser  
7 may submit to the agency with which, or State officer with  
8 whom, he must title or register the tangible personal property  
9 that is involved (if titling or registration is required) in  
10 support of such purchaser's application for an Illinois  
11 certificate or other evidence of title or registration to such  
12 tangible personal property.

13 No retailer's failure or refusal to remit tax under this  
14 Act precludes a user, who has paid the proper tax to the  
15 retailer, from obtaining his certificate of title or other  
16 evidence of title or registration (if titling or registration  
17 is required) upon satisfying the Department that such user has  
18 paid the proper tax (if tax is due) to the retailer. The  
19 Department shall adopt appropriate rules to carry out the  
20 mandate of this paragraph.

21 If the user who would otherwise pay tax to the retailer  
22 wants the transaction reporting return filed and the payment of  
23 tax or proof of exemption made to the Department before the  
24 retailer is willing to take these actions and such user has not  
25 paid the tax to the retailer, such user may certify to the fact  
26 of such delay by the retailer, and may (upon the Department

1 being satisfied of the truth of such certification) transmit  
2 the information required by the transaction reporting return  
3 and the remittance for tax or proof of exemption directly to  
4 the Department and obtain his tax receipt or exemption  
5 determination, in which event the transaction reporting return  
6 and tax remittance (if a tax payment was required) shall be  
7 credited by the Department to the proper retailer's account  
8 with the Department, but without the 2.1% or 1.75% discount  
9 provided for in this Section being allowed. When the user pays  
10 the tax directly to the Department, he shall pay the tax in the  
11 same amount and in the same form in which it would be remitted  
12 if the tax had been remitted to the Department by the retailer.

13 Where a retailer collects the tax with respect to the  
14 selling price of tangible personal property which he sells and  
15 the purchaser thereafter returns such tangible personal  
16 property and the retailer refunds the selling price thereof to  
17 the purchaser, such retailer shall also refund, to the  
18 purchaser, the tax so collected from the purchaser. When filing  
19 his return for the period in which he refunds such tax to the  
20 purchaser, the retailer may deduct the amount of the tax so  
21 refunded by him to the purchaser from any other use tax which  
22 such retailer may be required to pay or remit to the  
23 Department, as shown by such return, if the amount of the tax  
24 to be deducted was previously remitted to the Department by  
25 such retailer. If the retailer has not previously remitted the  
26 amount of such tax to the Department, he is entitled to no

1 deduction under this Act upon refunding such tax to the  
2 purchaser.

3 Any retailer filing a return under this Section shall also  
4 include (for the purpose of paying tax thereon) the total tax  
5 covered by such return upon the selling price of tangible  
6 personal property purchased by him at retail from a retailer,  
7 but as to which the tax imposed by this Act was not collected  
8 from the retailer filing such return, and such retailer shall  
9 remit the amount of such tax to the Department when filing such  
10 return.

11 If experience indicates such action to be practicable, the  
12 Department may prescribe and furnish a combination or joint  
13 return which will enable retailers, who are required to file  
14 returns hereunder and also under the Retailers' Occupation Tax  
15 Act, to furnish all the return information required by both  
16 Acts on the one form.

17 Where the retailer has more than one business registered  
18 with the Department under separate registration under this Act,  
19 such retailer may not file each return that is due as a single  
20 return covering all such registered businesses, but shall file  
21 separate returns for each such registered business.

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the State and Local Sales Tax Reform Fund, a special  
24 fund in the State Treasury which is hereby created, the net  
25 revenue realized for the preceding month from the 1% tax  
26 imposed under this Act.

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the County and Mass Transit District Fund 4% of the  
3 net revenue realized for the preceding month from the 6.25%  
4 general rate on the selling price of tangible personal property  
5 which is purchased outside Illinois at retail from a retailer  
6 and which is titled or registered by an agency of this State's  
7 government.

8           Beginning January 1, 1990, each month the Department shall  
9 pay into the State and Local Sales Tax Reform Fund, a special  
10 fund in the State Treasury, 20% of the net revenue realized for  
11 the preceding month from the 6.25% general rate on the selling  
12 price of tangible personal property, other than (i) tangible  
13 personal property which is purchased outside Illinois at retail  
14 from a retailer and which is titled or registered by an agency  
15 of this State's government and (ii) aviation fuel sold on or  
16 after December 1, 2019. This exception for aviation fuel only  
17 applies for so long as the revenue use requirements of 49  
18 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

19           For aviation fuel sold on or after December 1, 2019, each  
20 month the Department shall pay into the State Aviation Program  
21 Fund 20% of the net revenue realized for the preceding month  
22 from the 6.25% general rate on the selling price of aviation  
23 fuel, less an amount estimated by the Department to be required  
24 for refunds of the 20% portion of the tax on aviation fuel  
25 under this Act, which amount shall be deposited into the  
26 Aviation Fuel Sales Tax Refund Fund. The Department shall only

1 pay moneys into the State Aviation Program Fund and the  
2 Aviation Fuels Sales Tax Refund Fund under this Act for so long  
3 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
4 U.S.C. 47133 are binding on the State.

5       Beginning August 1, 2000, each month the Department shall  
6 pay into the State and Local Sales Tax Reform Fund 100% of the  
7 net revenue realized for the preceding month from the 1.25%  
8 rate on the selling price of motor fuel and gasohol. Beginning  
9 September 1, 2010, each month the Department shall pay into the  
10 State and Local Sales Tax Reform Fund 100% of the net revenue  
11 realized for the preceding month from the 1.25% rate on the  
12 selling price of sales tax holiday items.

13       Beginning January 1, 1990, each month the Department shall  
14 pay into the Local Government Tax Fund 16% of the net revenue  
15 realized for the preceding month from the 6.25% general rate on  
16 the selling price of tangible personal property which is  
17 purchased outside Illinois at retail from a retailer and which  
18 is titled or registered by an agency of this State's  
19 government.

20       Beginning October 1, 2009, each month the Department shall  
21 pay into the Capital Projects Fund an amount that is equal to  
22 an amount estimated by the Department to represent 80% of the  
23 net revenue realized for the preceding month from the sale of  
24 candy, grooming and hygiene products, and soft drinks that had  
25 been taxed at a rate of 1% prior to September 1, 2009 but that  
26 are now taxed at 6.25%.

1           Beginning July 1, 2011, each month the Department shall pay  
2 into the Clean Air Act Permit Fund 80% of the net revenue  
3 realized for the preceding month from the 6.25% general rate on  
4 the selling price of sorbents used in Illinois in the process  
5 of sorbent injection as used to comply with the Environmental  
6 Protection Act or the federal Clean Air Act, but the total  
7 payment into the Clean Air Act Permit Fund under this Act and  
8 the Retailers' Occupation Tax Act shall not exceed \$2,000,000  
9 in any fiscal year.

10           Beginning July 1, 2013, each month the Department shall pay  
11 into the Underground Storage Tank Fund from the proceeds  
12 collected under this Act, the Service Use Tax Act, the Service  
13 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
14 amount equal to the average monthly deficit in the Underground  
15 Storage Tank Fund during the prior year, as certified annually  
16 by the Illinois Environmental Protection Agency, but the total  
17 payment into the Underground Storage Tank Fund under this Act,  
18 the Service Use Tax Act, the Service Occupation Tax Act, and  
19 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
20 in any State fiscal year. As used in this paragraph, the  
21 "average monthly deficit" shall be equal to the difference  
22 between the average monthly claims for payment by the fund and  
23 the average monthly revenues deposited into the fund, excluding  
24 payments made pursuant to this paragraph.

25           Beginning July 1, 2015, of the remainder of the moneys  
26 received by the Department under this Act, the Service Use Tax

1 Act, the Service Occupation Tax Act, and the Retailers'  
2 Occupation Tax Act, each month the Department shall deposit  
3 \$500,000 into the State Crime Laboratory Fund.

4 Of the remainder of the moneys received by the Department  
5 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
6 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
7 and after July 1, 1989, 3.8% thereof shall be paid into the  
8 Build Illinois Fund; provided, however, that if in any fiscal  
9 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
10 may be, of the moneys received by the Department and required  
11 to be paid into the Build Illinois Fund pursuant to Section 3  
12 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
13 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
14 Service Occupation Tax Act, such Acts being hereinafter called  
15 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
16 may be, of moneys being hereinafter called the "Tax Act  
17 Amount", and (2) the amount transferred to the Build Illinois  
18 Fund from the State and Local Sales Tax Reform Fund shall be  
19 less than the Annual Specified Amount (as defined in Section 3  
20 of the Retailers' Occupation Tax Act), an amount equal to the  
21 difference shall be immediately paid into the Build Illinois  
22 Fund from other moneys received by the Department pursuant to  
23 the Tax Acts; and further provided, that if on the last  
24 business day of any month the sum of (1) the Tax Act Amount  
25 required to be deposited into the Build Illinois Bond Account  
26 in the Build Illinois Fund during such month and (2) the amount

1 transferred during such month to the Build Illinois Fund from  
2 the State and Local Sales Tax Reform Fund shall have been less  
3 than 1/12 of the Annual Specified Amount, an amount equal to  
4 the difference shall be immediately paid into the Build  
5 Illinois Fund from other moneys received by the Department  
6 pursuant to the Tax Acts; and, further provided, that in no  
7 event shall the payments required under the preceding proviso  
8 result in aggregate payments into the Build Illinois Fund  
9 pursuant to this clause (b) for any fiscal year in excess of  
10 the greater of (i) the Tax Act Amount or (ii) the Annual  
11 Specified Amount for such fiscal year; and, further provided,  
12 that the amounts payable into the Build Illinois Fund under  
13 this clause (b) shall be payable only until such time as the  
14 aggregate amount on deposit under each trust indenture securing  
15 Bonds issued and outstanding pursuant to the Build Illinois  
16 Bond Act is sufficient, taking into account any future  
17 investment income, to fully provide, in accordance with such  
18 indenture, for the defeasance of or the payment of the  
19 principal of, premium, if any, and interest on the Bonds  
20 secured by such indenture and on any Bonds expected to be  
21 issued thereafter and all fees and costs payable with respect  
22 thereto, all as certified by the Director of the Bureau of the  
23 Budget (now Governor's Office of Management and Budget). If on  
24 the last business day of any month in which Bonds are  
25 outstanding pursuant to the Build Illinois Bond Act, the  
26 aggregate of the moneys deposited in the Build Illinois Bond



1 Account in the Build Illinois Fund in such month shall be less  
2 than the amount required to be transferred in such month from  
3 the Build Illinois Bond Account to the Build Illinois Bond  
4 Retirement and Interest Fund pursuant to Section 13 of the  
5 Build Illinois Bond Act, an amount equal to such deficiency  
6 shall be immediately paid from other moneys received by the  
7 Department pursuant to the Tax Acts to the Build Illinois Fund;  
8 provided, however, that any amounts paid to the Build Illinois  
9 Fund in any fiscal year pursuant to this sentence shall be  
10 deemed to constitute payments pursuant to clause (b) of the  
11 preceding sentence and shall reduce the amount otherwise  
12 payable for such fiscal year pursuant to clause (b) of the  
13 preceding sentence. The moneys received by the Department  
14 pursuant to this Act and required to be deposited into the  
15 Build Illinois Fund are subject to the pledge, claim and charge  
16 set forth in Section 12 of the Build Illinois Bond Act.

17 Subject to payment of amounts into the Build Illinois Fund  
18 as provided in the preceding paragraph or in any amendment  
19 thereto hereafter enacted, the following specified monthly  
20 installment of the amount requested in the certificate of the  
21 Chairman of the Metropolitan Pier and Exposition Authority  
22 provided under Section 8.25f of the State Finance Act, but not  
23 in excess of the sums designated as "Total Deposit", shall be  
24 deposited in the aggregate from collections under Section 9 of  
25 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
26 9 of the Service Occupation Tax Act, and Section 3 of the

1 Retailers' Occupation Tax Act into the McCormick Place  
2 Expansion Project Fund in the specified fiscal years.

| 3  | Fiscal Year | Total Deposit |
|----|-------------|---------------|
| 4  | 1993        | \$0           |
| 5  | 1994        | 53,000,000    |
| 6  | 1995        | 58,000,000    |
| 7  | 1996        | 61,000,000    |
| 8  | 1997        | 64,000,000    |
| 9  | 1998        | 68,000,000    |
| 10 | 1999        | 71,000,000    |
| 11 | 2000        | 75,000,000    |
| 12 | 2001        | 80,000,000    |
| 13 | 2002        | 93,000,000    |
| 14 | 2003        | 99,000,000    |
| 15 | 2004        | 103,000,000   |
| 16 | 2005        | 108,000,000   |
| 17 | 2006        | 113,000,000   |
| 18 | 2007        | 119,000,000   |
| 19 | 2008        | 126,000,000   |
| 20 | 2009        | 132,000,000   |
| 21 | 2010        | 139,000,000   |
| 22 | 2011        | 146,000,000   |
| 23 | 2012        | 153,000,000   |
| 24 | 2013        | 161,000,000   |
| 25 | 2014        | 170,000,000   |
| 26 | 2015        | 179,000,000   |

|    |      |             |
|----|------|-------------|
| 1  | 2016 | 189,000,000 |
| 2  | 2017 | 199,000,000 |
| 3  | 2018 | 210,000,000 |
| 4  | 2019 | 221,000,000 |
| 5  | 2020 | 233,000,000 |
| 6  | 2021 | 246,000,000 |
| 7  | 2022 | 260,000,000 |
| 8  | 2023 | 275,000,000 |
| 9  | 2024 | 275,000,000 |
| 10 | 2025 | 275,000,000 |
| 11 | 2026 | 279,000,000 |
| 12 | 2027 | 292,000,000 |
| 13 | 2028 | 307,000,000 |
| 14 | 2029 | 322,000,000 |
| 15 | 2030 | 338,000,000 |
| 16 | 2031 | 350,000,000 |
| 17 | 2032 | 350,000,000 |

18 and

19 each fiscal year

20 thereafter that bonds

21 are outstanding under

22 Section 13.2 of the

23 Metropolitan Pier and

24 Exposition Authority Act,

25 but not after fiscal year 2060.

26 Beginning July 20, 1993 and in each month of each fiscal

1 year thereafter, one-eighth of the amount requested in the  
2 certificate of the Chairman of the Metropolitan Pier and  
3 Exposition Authority for that fiscal year, less the amount  
4 deposited into the McCormick Place Expansion Project Fund by  
5 the State Treasurer in the respective month under subsection  
6 (g) of Section 13 of the Metropolitan Pier and Exposition  
7 Authority Act, plus cumulative deficiencies in the deposits  
8 required under this Section for previous months and years,  
9 shall be deposited into the McCormick Place Expansion Project  
10 Fund, until the full amount requested for the fiscal year, but  
11 not in excess of the amount specified above as "Total Deposit",  
12 has been deposited.

13 Subject to payment of amounts into the Capital Projects  
14 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
15 and the McCormick Place Expansion Project Fund pursuant to the  
16 preceding paragraphs or in any amendments thereto hereafter  
17 enacted, for aviation fuel sold on or after December 1, 2019,  
18 the Department shall each month deposit into the Aviation Fuel  
19 Sales Tax Refund Fund an amount estimated by the Department to  
20 be required for refunds of the 80% portion of the tax on  
21 aviation fuel under this Act. The Department shall only deposit  
22 moneys into the Aviation Fuel Sales Tax Refund Fund under this  
23 paragraph for so long as the revenue use requirements of 49  
24 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

25 Subject to payment of amounts into the Build Illinois Fund  
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter  
2 enacted, beginning July 1, 1993 and ending on September 30,  
3 2013, the Department shall each month pay into the Illinois Tax  
4 Increment Fund 0.27% of 80% of the net revenue realized for the  
5 preceding month from the 6.25% general rate on the selling  
6 price of tangible personal property.

7       Subject to payment of amounts into the Build Illinois Fund  
8 and the McCormick Place Expansion Project Fund pursuant to the  
9 preceding paragraphs or in any amendments thereto hereafter  
10 enacted, beginning with the receipt of the first report of  
11 taxes paid by an eligible business and continuing for a 25-year  
12 period, the Department shall each month pay into the Energy  
13 Infrastructure Fund 80% of the net revenue realized from the  
14 6.25% general rate on the selling price of Illinois-mined coal  
15 that was sold to an eligible business. For purposes of this  
16 paragraph, the term "eligible business" means a new electric  
17 generating facility certified pursuant to Section 605-332 of  
18 the Department of Commerce and Economic Opportunity Law of the  
19 Civil Administrative Code of Illinois.

20       Subject to payment of amounts into the Build Illinois Fund,  
21 the McCormick Place Expansion Project Fund, the Illinois Tax  
22 Increment Fund, and the Energy Infrastructure Fund pursuant to  
23 the preceding paragraphs or in any amendments to this Section  
24 hereafter enacted, beginning on the first day of the first  
25 calendar month to occur on or after August 26, 2014 (the  
26 effective date of Public Act 98-1098), each month, from the

1 collections made under Section 9 of the Use Tax Act, Section 9  
2 of the Service Use Tax Act, Section 9 of the Service Occupation  
3 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
4 the Department shall pay into the Tax Compliance and  
5 Administration Fund, to be used, subject to appropriation, to  
6 fund additional auditors and compliance personnel at the  
7 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
8 the cash receipts collected during the preceding fiscal year by  
9 the Audit Bureau of the Department under the Use Tax Act, the  
10 Service Use Tax Act, the Service Occupation Tax Act, the  
11 Retailers' Occupation Tax Act, and associated local occupation  
12 and use taxes administered by the Department.

13 Subject to payments of amounts into the Build Illinois  
14 Fund, the McCormick Place Expansion Project Fund, the Illinois  
15 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
16 Compliance and Administration Fund as provided in this Section,  
17 beginning on July 1, 2018 the Department shall pay each month  
18 into the Downstate Public Transportation Fund the moneys  
19 required to be so paid under Section 2-3 of the Downstate  
20 Public Transportation Act.

21 Subject to successful execution and delivery of a  
22 public-private agreement between the public agency and private  
23 entity and completion of the civic build, beginning on July 1,  
24 2023, of the remainder of the moneys received by the Department  
25 under the Use Tax Act, the Service Use Tax Act, the Service  
26 Occupation Tax Act, and this Act, the Department shall deposit

1 the following specified deposits in the aggregate from  
 2 collections under the Use Tax Act, the Service Use Tax Act, the  
 3 Service Occupation Tax Act, and the Retailers' Occupation Tax  
 4 Act, as required under Section 8.25g of the State Finance Act  
 5 for distribution consistent with the Public-Private  
 6 Partnership for Civic and Transit Infrastructure Project Act.  
 7 The moneys received by the Department pursuant to this Act and  
 8 required to be deposited into the Civic and Transit  
 9 Infrastructure Fund are subject to the pledge, claim, and  
 10 charge set forth in Section 25-55 of the Public-Private  
 11 Partnership for Civic and Transit Infrastructure Project Act.  
 12 As used in this paragraph, "civic build", "private entity",  
 13 "public-private agreement", and "public agency" have the  
 14 meanings provided in Section 25-10 of the Public-Private  
 15 Partnership for Civic and Transit Infrastructure Project Act.

| 16 | Fiscal Year..... | Total Deposit |
|----|------------------|---------------|
| 17 | 2024 .....       | \$200,000,000 |
| 18 | 2025 .....       | \$206,000,000 |
| 19 | 2026 .....       | \$212,200,000 |
| 20 | 2027 .....       | \$218,500,000 |
| 21 | 2028 .....       | \$225,100,000 |
| 22 | 2029 .....       | \$288,700,000 |
| 23 | 2030 .....       | \$298,900,000 |
| 24 | 2031 .....       | \$309,300,000 |
| 25 | 2032 .....       | \$320,100,000 |
| 26 | 2033 .....       | \$331,200,000 |

|    |      |       |               |
|----|------|-------|---------------|
| 1  | 2034 | ..... | \$341,200,000 |
| 2  | 2035 | ..... | \$351,400,000 |
| 3  | 2036 | ..... | \$361,900,000 |
| 4  | 2037 | ..... | \$372,800,000 |
| 5  | 2038 | ..... | \$384,000,000 |
| 6  | 2039 | ..... | \$395,500,000 |
| 7  | 2040 | ..... | \$407,400,000 |
| 8  | 2041 | ..... | \$419,600,000 |
| 9  | 2042 | ..... | \$432,200,000 |
| 10 | 2043 | ..... | \$445,100,000 |

11 ~~Beginning July 1, 2021 and until July 1, 2022, subject to~~  
12 ~~the payment of amounts into the State and Local Sales Tax~~  
13 ~~Reform Fund, the Build Illinois Fund, the McCormick Place~~  
14 ~~Expansion Project Fund, the Illinois Tax Increment Fund, the~~  
15 ~~Energy Infrastructure Fund, and the Tax Compliance and~~  
16 ~~Administration Fund as provided in this Section, the Department~~  
17 ~~shall pay each month into the Road Fund the amount estimated to~~  
18 ~~represent 16% of the net revenue realized from the taxes~~  
19 ~~imposed on motor fuel and gasohol. Beginning July 1, 2022 and~~  
20 ~~until July 1, 2023, subject to the payment of amounts into the~~  
21 ~~State and Local Sales Tax Reform Fund, the Build Illinois Fund,~~  
22 ~~the McCormick Place Expansion Project Fund, the Illinois Tax~~  
23 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
24 ~~Compliance and Administration Fund as provided in this Section,~~  
25 ~~the Department shall pay each month into the Road Fund the~~  
26 ~~amount estimated to represent 32% of the net revenue realized~~



1 ~~from the taxes imposed on motor fuel and gasohol. Beginning~~  
2 ~~July 1, 2023 and until July 1, 2024, subject to the payment of~~  
3 ~~amounts into the State and Local Sales Tax Reform Fund, the~~  
4 ~~Build Illinois Fund, the McCormick Place Expansion Project~~  
5 ~~Fund, the Illinois Tax Increment Fund, the Energy~~  
6 ~~Infrastructure Fund, and the Tax Compliance and Administration~~  
7 ~~Fund as provided in this Section, the Department shall pay each~~  
8 ~~month into the Road Fund the amount estimated to represent 48%~~  
9 ~~of the net revenue realized from the taxes imposed on motor~~  
10 ~~fuel and gasohol. Beginning July 1, 2024 and until July 1,~~  
11 ~~2025, subject to the payment of amounts into the State and~~  
12 ~~Local Sales Tax Reform Fund, the Build Illinois Fund, the~~  
13 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
14 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
15 ~~Compliance and Administration Fund as provided in this Section,~~  
16 ~~the Department shall pay each month into the Road Fund the~~  
17 ~~amount estimated to represent 64% of the net revenue realized~~  
18 ~~from the taxes imposed on motor fuel and gasohol. Beginning on~~  
19 ~~July 1, 2025, subject to the payment of amounts into the State~~  
20 ~~and Local Sales Tax Reform Fund, the Build Illinois Fund, the~~  
21 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
22 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
23 ~~Compliance and Administration Fund as provided in this Section,~~  
24 ~~the Department shall pay each month into the Road Fund the~~  
25 ~~amount estimated to represent 80% of the net revenue realized~~  
26 ~~from the taxes imposed on motor fuel and gasohol. As used in~~

1 ~~this paragraph "motor fuel" has the meaning given to that term~~  
2 ~~in Section 1.1 of the Motor Fuel Tax Act, and "gasohol" has the~~  
3 ~~meaning given to that term in Section 3-40 of this Act.~~

4 Of the remainder of the moneys received by the Department  
5 pursuant to this Act, 75% thereof shall be paid into the State  
6 Treasury and 25% shall be reserved in a special account and  
7 used only for the transfer to the Common School Fund as part of  
8 the monthly transfer from the General Revenue Fund in  
9 accordance with Section 8a of the State Finance Act.

10 As soon as possible after the first day of each month, upon  
11 certification of the Department of Revenue, the Comptroller  
12 shall order transferred and the Treasurer shall transfer from  
13 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
14 equal to 1.7% of 80% of the net revenue realized under this Act  
15 for the second preceding month. Beginning April 1, 2000, this  
16 transfer is no longer required and shall not be made.

17 Net revenue realized for a month shall be the revenue  
18 collected by the State pursuant to this Act, less the amount  
19 paid out during that month as refunds to taxpayers for  
20 overpayment of liability.

21 For greater simplicity of administration, manufacturers,  
22 importers and wholesalers whose products are sold at retail in  
23 Illinois by numerous retailers, and who wish to do so, may  
24 assume the responsibility for accounting and paying to the  
25 Department all tax accruing under this Act with respect to such  
26 sales, if the retailers who are affected do not make written

1 objection to the Department to this arrangement.

2 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;  
3 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article  
4 15, Section 15-10, eff. 6-5-19; 101-10, Article 25, Section  
5 25-105, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.  
6 6-28-19; 101-604, eff. 12-13-19.)

7 Section 15-15. The Service Use Tax Act is amended by  
8 changing Section 9 as follows:

9 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

10 Sec. 9. Each serviceman required or authorized to collect  
11 the tax herein imposed shall pay to the Department the amount  
12 of such tax (except as otherwise provided) at the time when he  
13 is required to file his return for the period during which such  
14 tax was collected, less a discount of 2.1% prior to January 1,  
15 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
16 year, whichever is greater, which is allowed to reimburse the  
17 serviceman for expenses incurred in collecting the tax, keeping  
18 records, preparing and filing returns, remitting the tax and  
19 supplying data to the Department on request. The discount under  
20 this Section is not allowed for the 1.25% portion of taxes paid  
21 on aviation fuel that is subject to the revenue use  
22 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The  
23 discount allowed under this Section is allowed only for returns  
24 that are filed in the manner required by this Act. The

1 Department may disallow the discount for servicemen whose  
2 certificate of registration is revoked at the time the return  
3 is filed, but only if the Department's decision to revoke the  
4 certificate of registration has become final. A serviceman need  
5 not remit that part of any tax collected by him to the extent  
6 that he is required to pay and does pay the tax imposed by the  
7 Service Occupation Tax Act with respect to his sale of service  
8 involving the incidental transfer by him of the same property.

9 Except as provided hereinafter in this Section, on or  
10 before the twentieth day of each calendar month, such  
11 serviceman shall file a return for the preceding calendar month  
12 in accordance with reasonable Rules and Regulations to be  
13 promulgated by the Department. Such return shall be filed on a  
14 form prescribed by the Department and shall contain such  
15 information as the Department may reasonably require. On and  
16 after January 1, 2018, with respect to servicemen whose annual  
17 gross receipts average \$20,000 or more, all returns required to  
18 be filed pursuant to this Act shall be filed electronically.  
19 Servicemen who demonstrate that they do not have access to the  
20 Internet or demonstrate hardship in filing electronically may  
21 petition the Department to waive the electronic filing  
22 requirement.

23 The Department may require returns to be filed on a  
24 quarterly basis. If so required, a return for each calendar  
25 quarter shall be filed on or before the twentieth day of the  
26 calendar month following the end of such calendar quarter. The

1 taxpayer shall also file a return with the Department for each  
2 of the first two months of each calendar quarter, on or before  
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from  
6 which he engages in business as a serviceman in this State;

7 3. The total amount of taxable receipts received by him  
8 during the preceding calendar month, including receipts  
9 from charge and time sales, but less all deductions allowed  
10 by law;

11 4. The amount of credit provided in Section 2d of this  
12 Act;

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

15 6. Such other reasonable information as the Department  
16 may require.

17 Each serviceman required or authorized to collect the tax  
18 imposed by this Act on aviation fuel transferred as an incident  
19 of a sale of service in this State during the preceding  
20 calendar month shall, instead of reporting and paying tax on  
21 aviation fuel as otherwise required by this Section, report and  
22 pay such tax on a separate aviation fuel tax return. The  
23 requirements related to the return shall be as otherwise  
24 provided in this Section. Notwithstanding any other provisions  
25 of this Act to the contrary, servicemen collecting tax on  
26 aviation fuel shall file all aviation fuel tax returns and

1 shall make all aviation fuel tax payments by electronic means  
2 in the manner and form required by the Department. For purposes  
3 of this Section, "aviation fuel" means jet fuel and aviation  
4 gasoline.

5 If a taxpayer fails to sign a return within 30 days after  
6 the proper notice and demand for signature by the Department,  
7 the return shall be considered valid and any amount shown to be  
8 due on the return shall be deemed assessed.

9 Notwithstanding any other provision of this Act to the  
10 contrary, servicemen subject to tax on cannabis shall file all  
11 cannabis tax returns and shall make all cannabis tax payments  
12 by electronic means in the manner and form required by the  
13 Department.

14 Beginning October 1, 1993, a taxpayer who has an average  
15 monthly tax liability of \$150,000 or more shall make all  
16 payments required by rules of the Department by electronic  
17 funds transfer. Beginning October 1, 1994, a taxpayer who has  
18 an average monthly tax liability of \$100,000 or more shall make  
19 all payments required by rules of the Department by electronic  
20 funds transfer. Beginning October 1, 1995, a taxpayer who has  
21 an average monthly tax liability of \$50,000 or more shall make  
22 all payments required by rules of the Department by electronic  
23 funds transfer. Beginning October 1, 2000, a taxpayer who has  
24 an annual tax liability of \$200,000 or more shall make all  
25 payments required by rules of the Department by electronic  
26 funds transfer. The term "annual tax liability" shall be the

1 sum of the taxpayer's liabilities under this Act, and under all  
2 other State and local occupation and use tax laws administered  
3 by the Department, for the immediately preceding calendar year.  
4 The term "average monthly tax liability" means the sum of the  
5 taxpayer's liabilities under this Act, and under all other  
6 State and local occupation and use tax laws administered by the  
7 Department, for the immediately preceding calendar year  
8 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
9 a tax liability in the amount set forth in subsection (b) of  
10 Section 2505-210 of the Department of Revenue Law shall make  
11 all payments required by rules of the Department by electronic  
12 funds transfer.

13 Before August 1 of each year beginning in 1993, the  
14 Department shall notify all taxpayers required to make payments  
15 by electronic funds transfer. All taxpayers required to make  
16 payments by electronic funds transfer shall make those payments  
17 for a minimum of one year beginning on October 1.

18 Any taxpayer not required to make payments by electronic  
19 funds transfer may make payments by electronic funds transfer  
20 with the permission of the Department.

21 All taxpayers required to make payment by electronic funds  
22 transfer and any taxpayers authorized to voluntarily make  
23 payments by electronic funds transfer shall make those payments  
24 in the manner authorized by the Department.

25 The Department shall adopt such rules as are necessary to  
26 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

2 If the serviceman is otherwise required to file a monthly  
3 return and if the serviceman's average monthly tax liability to  
4 the Department does not exceed \$200, the Department may  
5 authorize his returns to be filed on a quarter annual basis,  
6 with the return for January, February and March of a given year  
7 being due by April 20 of such year; with the return for April,  
8 May and June of a given year being due by July 20 of such year;  
9 with the return for July, August and September of a given year  
10 being due by October 20 of such year, and with the return for  
11 October, November and December of a given year being due by  
12 January 20 of the following year.

13 If the serviceman is otherwise required to file a monthly  
14 or quarterly return and if the serviceman's average monthly tax  
15 liability to the Department does not exceed \$50, the Department  
16 may authorize his returns to be filed on an annual basis, with  
17 the return for a given year being due by January 20 of the  
18 following year.

19 Such quarter annual and annual returns, as to form and  
20 substance, shall be subject to the same requirements as monthly  
21 returns.

22 Notwithstanding any other provision in this Act concerning  
23 the time within which a serviceman may file his return, in the  
24 case of any serviceman who ceases to engage in a kind of  
25 business which makes him responsible for filing returns under  
26 this Act, such serviceman shall file a final return under this



1 Act with the Department not more than 1 month after  
2 discontinuing such business.

3 Where a serviceman collects the tax with respect to the  
4 selling price of property which he sells and the purchaser  
5 thereafter returns such property and the serviceman refunds the  
6 selling price thereof to the purchaser, such serviceman shall  
7 also refund, to the purchaser, the tax so collected from the  
8 purchaser. When filing his return for the period in which he  
9 refunds such tax to the purchaser, the serviceman may deduct  
10 the amount of the tax so refunded by him to the purchaser from  
11 any other Service Use Tax, Service Occupation Tax, retailers'  
12 occupation tax or use tax which such serviceman may be required  
13 to pay or remit to the Department, as shown by such return,  
14 provided that the amount of the tax to be deducted shall  
15 previously have been remitted to the Department by such  
16 serviceman. If the serviceman shall not previously have  
17 remitted the amount of such tax to the Department, he shall be  
18 entitled to no deduction hereunder upon refunding such tax to  
19 the purchaser.

20 Any serviceman filing a return hereunder shall also include  
21 the total tax upon the selling price of tangible personal  
22 property purchased for use by him as an incident to a sale of  
23 service, and such serviceman shall remit the amount of such tax  
24 to the Department when filing such return.

25 If experience indicates such action to be practicable, the  
26 Department may prescribe and furnish a combination or joint

1 return which will enable servicemen, who are required to file  
2 returns hereunder and also under the Service Occupation Tax  
3 Act, to furnish all the return information required by both  
4 Acts on the one form.

5 Where the serviceman has more than one business registered  
6 with the Department under separate registration hereunder,  
7 such serviceman shall not file each return that is due as a  
8 single return covering all such registered businesses, but  
9 shall file separate returns for each such registered business.

10 Beginning January 1, 1990, each month the Department shall  
11 pay into the State and Local Tax Reform Fund, a special fund in  
12 the State Treasury, the net revenue realized for the preceding  
13 month from the 1% tax imposed under this Act.

14 Beginning January 1, 1990, each month the Department shall  
15 pay into the State and Local Sales Tax Reform Fund 20% of the  
16 net revenue realized for the preceding month from the 6.25%  
17 general rate on transfers of tangible personal property, other  
18 than (i) tangible personal property which is purchased outside  
19 Illinois at retail from a retailer and which is titled or  
20 registered by an agency of this State's government and (ii)  
21 aviation fuel sold on or after December 1, 2019. This exception  
22 for aviation fuel only applies for so long as the revenue use  
23 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
24 binding on the State.

25 For aviation fuel sold on or after December 1, 2019, each  
26 month the Department shall pay into the State Aviation Program

1 Fund 20% of the net revenue realized for the preceding month  
2 from the 6.25% general rate on the selling price of aviation  
3 fuel, less an amount estimated by the Department to be required  
4 for refunds of the 20% portion of the tax on aviation fuel  
5 under this Act, which amount shall be deposited into the  
6 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
7 pay moneys into the State Aviation Program Fund and the  
8 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
9 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
10 U.S.C. 47133 are binding on the State.

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the State and Local Sales Tax Reform Fund 100% of the  
13 net revenue realized for the preceding month from the 1.25%  
14 rate on the selling price of motor fuel and gasohol.

15 Beginning October 1, 2009, each month the Department shall  
16 pay into the Capital Projects Fund an amount that is equal to  
17 an amount estimated by the Department to represent 80% of the  
18 net revenue realized for the preceding month from the sale of  
19 candy, grooming and hygiene products, and soft drinks that had  
20 been taxed at a rate of 1% prior to September 1, 2009 but that  
21 are now taxed at 6.25%.

22 Beginning July 1, 2013, each month the Department shall pay  
23 into the Underground Storage Tank Fund from the proceeds  
24 collected under this Act, the Use Tax Act, the Service  
25 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
26 amount equal to the average monthly deficit in the Underground

1 Storage Tank Fund during the prior year, as certified annually  
2 by the Illinois Environmental Protection Agency, but the total  
3 payment into the Underground Storage Tank Fund under this Act,  
4 the Use Tax Act, the Service Occupation Tax Act, and the  
5 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in  
6 any State fiscal year. As used in this paragraph, the "average  
7 monthly deficit" shall be equal to the difference between the  
8 average monthly claims for payment by the fund and the average  
9 monthly revenues deposited into the fund, excluding payments  
10 made pursuant to this paragraph.

11 Beginning July 1, 2015, of the remainder of the moneys  
12 received by the Department under the Use Tax Act, this Act, the  
13 Service Occupation Tax Act, and the Retailers' Occupation Tax  
14 Act, each month the Department shall deposit \$500,000 into the  
15 State Crime Laboratory Fund.

16 Of the remainder of the moneys received by the Department  
17 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
18 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
19 and after July 1, 1989, 3.8% thereof shall be paid into the  
20 Build Illinois Fund; provided, however, that if in any fiscal  
21 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
22 may be, of the moneys received by the Department and required  
23 to be paid into the Build Illinois Fund pursuant to Section 3  
24 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
25 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
26 Service Occupation Tax Act, such Acts being hereinafter called

1 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
2 may be, of moneys being hereinafter called the "Tax Act  
3 Amount", and (2) the amount transferred to the Build Illinois  
4 Fund from the State and Local Sales Tax Reform Fund shall be  
5 less than the Annual Specified Amount (as defined in Section 3  
6 of the Retailers' Occupation Tax Act), an amount equal to the  
7 difference shall be immediately paid into the Build Illinois  
8 Fund from other moneys received by the Department pursuant to  
9 the Tax Acts; and further provided, that if on the last  
10 business day of any month the sum of (1) the Tax Act Amount  
11 required to be deposited into the Build Illinois Bond Account  
12 in the Build Illinois Fund during such month and (2) the amount  
13 transferred during such month to the Build Illinois Fund from  
14 the State and Local Sales Tax Reform Fund shall have been less  
15 than 1/12 of the Annual Specified Amount, an amount equal to  
16 the difference shall be immediately paid into the Build  
17 Illinois Fund from other moneys received by the Department  
18 pursuant to the Tax Acts; and, further provided, that in no  
19 event shall the payments required under the preceding proviso  
20 result in aggregate payments into the Build Illinois Fund  
21 pursuant to this clause (b) for any fiscal year in excess of  
22 the greater of (i) the Tax Act Amount or (ii) the Annual  
23 Specified Amount for such fiscal year; and, further provided,  
24 that the amounts payable into the Build Illinois Fund under  
25 this clause (b) shall be payable only until such time as the  
26 aggregate amount on deposit under each trust indenture securing

1 Bonds issued and outstanding pursuant to the Build Illinois  
2 Bond Act is sufficient, taking into account any future  
3 investment income, to fully provide, in accordance with such  
4 indenture, for the defeasance of or the payment of the  
5 principal of, premium, if any, and interest on the Bonds  
6 secured by such indenture and on any Bonds expected to be  
7 issued thereafter and all fees and costs payable with respect  
8 thereto, all as certified by the Director of the Bureau of the  
9 Budget (now Governor's Office of Management and Budget). If on  
10 the last business day of any month in which Bonds are  
11 outstanding pursuant to the Build Illinois Bond Act, the  
12 aggregate of the moneys deposited in the Build Illinois Bond  
13 Account in the Build Illinois Fund in such month shall be less  
14 than the amount required to be transferred in such month from  
15 the Build Illinois Bond Account to the Build Illinois Bond  
16 Retirement and Interest Fund pursuant to Section 13 of the  
17 Build Illinois Bond Act, an amount equal to such deficiency  
18 shall be immediately paid from other moneys received by the  
19 Department pursuant to the Tax Acts to the Build Illinois Fund;  
20 provided, however, that any amounts paid to the Build Illinois  
21 Fund in any fiscal year pursuant to this sentence shall be  
22 deemed to constitute payments pursuant to clause (b) of the  
23 preceding sentence and shall reduce the amount otherwise  
24 payable for such fiscal year pursuant to clause (b) of the  
25 preceding sentence. The moneys received by the Department  
26 pursuant to this Act and required to be deposited into the

1 Build Illinois Fund are subject to the pledge, claim and charge  
2 set forth in Section 12 of the Build Illinois Bond Act.

3 Subject to payment of amounts into the Build Illinois Fund  
4 as provided in the preceding paragraph or in any amendment  
5 thereto hereafter enacted, the following specified monthly  
6 installment of the amount requested in the certificate of the  
7 Chairman of the Metropolitan Pier and Exposition Authority  
8 provided under Section 8.25f of the State Finance Act, but not  
9 in excess of the sums designated as "Total Deposit", shall be  
10 deposited in the aggregate from collections under Section 9 of  
11 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
12 9 of the Service Occupation Tax Act, and Section 3 of the  
13 Retailers' Occupation Tax Act into the McCormick Place  
14 Expansion Project Fund in the specified fiscal years.

| 15 | Fiscal Year | Total<br>Deposit |
|----|-------------|------------------|
| 16 | 1993        | \$0              |
| 17 | 1994        | 53,000,000       |
| 18 | 1995        | 58,000,000       |
| 19 | 1996        | 61,000,000       |
| 20 | 1997        | 64,000,000       |
| 21 | 1998        | 68,000,000       |
| 22 | 1999        | 71,000,000       |
| 23 | 2000        | 75,000,000       |
| 24 | 2001        | 80,000,000       |
| 25 | 2002        | 93,000,000       |

|    |      |             |
|----|------|-------------|
| 1  | 2003 | 99,000,000  |
| 2  | 2004 | 103,000,000 |
| 3  | 2005 | 108,000,000 |
| 4  | 2006 | 113,000,000 |
| 5  | 2007 | 119,000,000 |
| 6  | 2008 | 126,000,000 |
| 7  | 2009 | 132,000,000 |
| 8  | 2010 | 139,000,000 |
| 9  | 2011 | 146,000,000 |
| 10 | 2012 | 153,000,000 |
| 11 | 2013 | 161,000,000 |
| 12 | 2014 | 170,000,000 |
| 13 | 2015 | 179,000,000 |
| 14 | 2016 | 189,000,000 |
| 15 | 2017 | 199,000,000 |
| 16 | 2018 | 210,000,000 |
| 17 | 2019 | 221,000,000 |
| 18 | 2020 | 233,000,000 |
| 19 | 2021 | 246,000,000 |
| 20 | 2022 | 260,000,000 |
| 21 | 2023 | 275,000,000 |
| 22 | 2024 | 275,000,000 |
| 23 | 2025 | 275,000,000 |
| 24 | 2026 | 279,000,000 |
| 25 | 2027 | 292,000,000 |
| 26 | 2028 | 307,000,000 |



|   |      |             |
|---|------|-------------|
| 1 | 2029 | 322,000,000 |
| 2 | 2030 | 338,000,000 |
| 3 | 2031 | 350,000,000 |
| 4 | 2032 | 350,000,000 |

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

13 Beginning July 20, 1993 and in each month of each fiscal  
14 year thereafter, one-eighth of the amount requested in the  
15 certificate of the Chairman of the Metropolitan Pier and  
16 Exposition Authority for that fiscal year, less the amount  
17 deposited into the McCormick Place Expansion Project Fund by  
18 the State Treasurer in the respective month under subsection  
19 (g) of Section 13 of the Metropolitan Pier and Exposition  
20 Authority Act, plus cumulative deficiencies in the deposits  
21 required under this Section for previous months and years,  
22 shall be deposited into the McCormick Place Expansion Project  
23 Fund, until the full amount requested for the fiscal year, but  
24 not in excess of the amount specified above as "Total Deposit",  
25 has been deposited.

26 Subject to payment of amounts into the Capital Projects

1 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
2 and the McCormick Place Expansion Project Fund pursuant to the  
3 preceding paragraphs or in any amendments thereto hereafter  
4 enacted, for aviation fuel sold on or after December 1, 2019,  
5 the Department shall each month deposit into the Aviation Fuel  
6 Sales Tax Refund Fund an amount estimated by the Department to  
7 be required for refunds of the 80% portion of the tax on  
8 aviation fuel under this Act. The Department shall only deposit  
9 moneys into the Aviation Fuel Sales Tax Refund Fund under this  
10 paragraph for so long as the revenue use requirements of 49  
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

12 Subject to payment of amounts into the Build Illinois Fund  
13 and the McCormick Place Expansion Project Fund pursuant to the  
14 preceding paragraphs or in any amendments thereto hereafter  
15 enacted, beginning July 1, 1993 and ending on September 30,  
16 2013, the Department shall each month pay into the Illinois Tax  
17 Increment Fund 0.27% of 80% of the net revenue realized for the  
18 preceding month from the 6.25% general rate on the selling  
19 price of tangible personal property.

20 Subject to payment of amounts into the Build Illinois Fund  
21 and the McCormick Place Expansion Project Fund pursuant to the  
22 preceding paragraphs or in any amendments thereto hereafter  
23 enacted, beginning with the receipt of the first report of  
24 taxes paid by an eligible business and continuing for a 25-year  
25 period, the Department shall each month pay into the Energy  
26 Infrastructure Fund 80% of the net revenue realized from the

1 6.25% general rate on the selling price of Illinois-mined coal  
2 that was sold to an eligible business. For purposes of this  
3 paragraph, the term "eligible business" means a new electric  
4 generating facility certified pursuant to Section 605-332 of  
5 the Department of Commerce and Economic Opportunity Law of the  
6 Civil Administrative Code of Illinois.

7 Subject to payment of amounts into the Build Illinois Fund,  
8 the McCormick Place Expansion Project Fund, the Illinois Tax  
9 Increment Fund, and the Energy Infrastructure Fund pursuant to  
10 the preceding paragraphs or in any amendments to this Section  
11 hereafter enacted, beginning on the first day of the first  
12 calendar month to occur on or after August 26, 2014 (the  
13 effective date of Public Act 98-1098), each month, from the  
14 collections made under Section 9 of the Use Tax Act, Section 9  
15 of the Service Use Tax Act, Section 9 of the Service Occupation  
16 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
17 the Department shall pay into the Tax Compliance and  
18 Administration Fund, to be used, subject to appropriation, to  
19 fund additional auditors and compliance personnel at the  
20 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
21 the cash receipts collected during the preceding fiscal year by  
22 the Audit Bureau of the Department under the Use Tax Act, the  
23 Service Use Tax Act, the Service Occupation Tax Act, the  
24 Retailers' Occupation Tax Act, and associated local occupation  
25 and use taxes administered by the Department.

26 Subject to payments of amounts into the Build Illinois

1 Fund, the McCormick Place Expansion Project Fund, the Illinois  
2 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
3 Compliance and Administration Fund as provided in this Section,  
4 beginning on July 1, 2018 the Department shall pay each month  
5 into the Downstate Public Transportation Fund the moneys  
6 required to be so paid under Section 2-3 of the Downstate  
7 Public Transportation Act.

8 Subject to successful execution and delivery of a  
9 public-private agreement between the public agency and private  
10 entity and completion of the civic build, beginning on July 1,  
11 2023, of the remainder of the moneys received by the Department  
12 under the Use Tax Act, the Service Use Tax Act, the Service  
13 Occupation Tax Act, and this Act, the Department shall deposit  
14 the following specified deposits in the aggregate from  
15 collections under the Use Tax Act, the Service Use Tax Act, the  
16 Service Occupation Tax Act, and the Retailers' Occupation Tax  
17 Act, as required under Section 8.25g of the State Finance Act  
18 for distribution consistent with the Public-Private  
19 Partnership for Civic and Transit Infrastructure Project Act.  
20 The moneys received by the Department pursuant to this Act and  
21 required to be deposited into the Civic and Transit  
22 Infrastructure Fund are subject to the pledge, claim, and  
23 charge set forth in Section 25-55 of the Public-Private  
24 Partnership for Civic and Transit Infrastructure Project Act.  
25 As used in this paragraph, "civic build", "private entity",  
26 "public-private agreement", and "public agency" have the

1 meanings provided in Section 25-10 of the Public-Private  
2 Partnership for Civic and Transit Infrastructure Project Act.

| 3  | Fiscal Year ..... | Total Deposit |
|----|-------------------|---------------|
| 4  | 2024 .....        | \$200,000,000 |
| 5  | 2025 .....        | \$206,000,000 |
| 6  | 2026 .....        | \$212,200,000 |
| 7  | 2027 .....        | \$218,500,000 |
| 8  | 2028 .....        | \$225,100,000 |
| 9  | 2029 .....        | \$288,700,000 |
| 10 | 2030 .....        | \$298,900,000 |
| 11 | 2031 .....        | \$309,300,000 |
| 12 | 2032 .....        | \$320,100,000 |
| 13 | 2033 .....        | \$331,200,000 |
| 14 | 2034 .....        | \$341,200,000 |
| 15 | 2035 .....        | \$351,400,000 |
| 16 | 2036 .....        | \$361,900,000 |
| 17 | 2037 .....        | \$372,800,000 |
| 18 | 2038 .....        | \$384,000,000 |
| 19 | 2039 .....        | \$395,500,000 |
| 20 | 2040 .....        | \$407,400,000 |
| 21 | 2041 .....        | \$419,600,000 |
| 22 | 2042 .....        | \$432,200,000 |
| 23 | 2043 .....        | \$445,100,000 |

24 ~~Beginning July 1, 2021 and until July 1, 2022, subject to~~  
25 ~~the payment of amounts into the State and Local Sales Tax~~  
26 ~~Reform Fund, the Build Illinois Fund, the McCormick Place~~

1 ~~Expansion Project Fund, the Illinois Tax Increment Fund, the~~  
2 ~~Energy Infrastructure Fund, and the Tax Compliance and~~  
3 ~~Administration Fund as provided in this Section, the Department~~  
4 ~~shall pay each month into the Road Fund the amount estimated to~~  
5 ~~represent 16% of the net revenue realized from the taxes~~  
6 ~~imposed on motor fuel and gasoline. Beginning July 1, 2022 and~~  
7 ~~until July 1, 2023, subject to the payment of amounts into the~~  
8 ~~State and Local Sales Tax Reform Fund, the Build Illinois Fund,~~  
9 ~~the McCormick Place Expansion Project Fund, the Illinois Tax~~  
10 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
11 ~~Compliance and Administration Fund as provided in this Section,~~  
12 ~~the Department shall pay each month into the Road Fund the~~  
13 ~~amount estimated to represent 32% of the net revenue realized~~  
14 ~~from the taxes imposed on motor fuel and gasoline. Beginning~~  
15 ~~July 1, 2023 and until July 1, 2024, subject to the payment of~~  
16 ~~amounts into the State and Local Sales Tax Reform Fund, the~~  
17 ~~Build Illinois Fund, the McCormick Place Expansion Project~~  
18 ~~Fund, the Illinois Tax Increment Fund, the Energy~~  
19 ~~Infrastructure Fund, and the Tax Compliance and Administration~~  
20 ~~Fund as provided in this Section, the Department shall pay each~~  
21 ~~month into the Road Fund the amount estimated to represent 48%~~  
22 ~~of the net revenue realized from the taxes imposed on motor~~  
23 ~~fuel and gasoline. Beginning July 1, 2024 and until July 1,~~  
24 ~~2025, subject to the payment of amounts into the State and~~  
25 ~~Local Sales Tax Reform Fund, the Build Illinois Fund, the~~  
26 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~

1 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
2 ~~Compliance and Administration Fund as provided in this Section,~~  
3 ~~the Department shall pay each month into the Road Fund the~~  
4 ~~amount estimated to represent 64% of the net revenue realized~~  
5 ~~from the taxes imposed on motor fuel and gasoline. Beginning on~~  
6 ~~July 1, 2025, subject to the payment of amounts into the State~~  
7 ~~and Local Sales Tax Reform Fund, the Build Illinois Fund, the~~  
8 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
9 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
10 ~~Compliance and Administration Fund as provided in this Section,~~  
11 ~~the Department shall pay each month into the Road Fund the~~  
12 ~~amount estimated to represent 80% of the net revenue realized~~  
13 ~~from the taxes imposed on motor fuel and gasoline. As used in~~  
14 ~~this paragraph "motor fuel" has the meaning given to that term~~  
15 ~~in Section 1.1 of the Motor Fuel Tax Act, and "gasohol" has the~~  
16 ~~meaning given to that term in Section 3-40 of the Use Tax Act.~~

17       Of the remainder of the moneys received by the Department  
18 pursuant to this Act, 75% thereof shall be paid into the  
19 General Revenue Fund of the State Treasury and 25% shall be  
20 reserved in a special account and used only for the transfer to  
21 the Common School Fund as part of the monthly transfer from the  
22 General Revenue Fund in accordance with Section 8a of the State  
23 Finance Act.

24       As soon as possible after the first day of each month, upon  
25 certification of the Department of Revenue, the Comptroller  
26 shall order transferred and the Treasurer shall transfer from

1 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
2 equal to 1.7% of 80% of the net revenue realized under this Act  
3 for the second preceding month. Beginning April 1, 2000, this  
4 transfer is no longer required and shall not be made.

5 Net revenue realized for a month shall be the revenue  
6 collected by the State pursuant to this Act, less the amount  
7 paid out during that month as refunds to taxpayers for  
8 overpayment of liability.

9 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;  
10 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article  
11 15, Section 15-15, eff. 6-5-19; 101-10, Article 25, Section  
12 25-110, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.  
13 6-28-19; 101-604, eff. 12-13-19.)

14 Section 15-20. The Service Occupation Tax Act is amended by  
15 changing Section 9 as follows:

16 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

17 Sec. 9. Each serviceman required or authorized to collect  
18 the tax herein imposed shall pay to the Department the amount  
19 of such tax (except as otherwise provided) at the time when he  
20 is required to file his return for the period during which such  
21 tax was collected, less a discount of 2.1% prior to January 1,  
22 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
23 year, whichever is greater, which is allowed to reimburse the  
24 serviceman for expenses incurred in collecting the tax, keeping



1 records, preparing and filing returns, remitting the tax and  
2 supplying data to the Department on request. The discount under  
3 this Section is not allowed for the 1.25% portion of taxes paid  
4 on aviation fuel that is subject to the revenue use  
5 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The  
6 discount allowed under this Section is allowed only for returns  
7 that are filed in the manner required by this Act. The  
8 Department may disallow the discount for servicemen whose  
9 certificate of registration is revoked at the time the return  
10 is filed, but only if the Department's decision to revoke the  
11 certificate of registration has become final. A serviceman need  
12 not remit that part of any tax collected by him to the extent  
13 that he is required to pay and does pay the tax imposed by the  
14 Service Occupation Tax Act with respect to his sale of service  
15 involving the incidental transfer by him of the same property.

16 Except as provided hereinafter in this Section, on or  
17 before the twentieth day of each calendar month, such  
18 serviceman shall file a return for the preceding calendar month  
19 in accordance with reasonable Rules and Regulations to be  
20 promulgated by the Department. Such return shall be filed on a  
21 form prescribed by the Department and shall contain such  
22 information as the Department may reasonably require. On and  
23 after January 1, 2018, with respect to servicemen whose annual  
24 gross receipts average \$20,000 or more, all returns required to  
25 be filed pursuant to this Act shall be filed electronically.  
26 Servicemen who demonstrate that they do not have access to the

1 Internet or demonstrate hardship in filing electronically may  
2 petition the Department to waive the electronic filing  
3 requirement.

4 The Department may require returns to be filed on a  
5 quarterly basis. If so required, a return for each calendar  
6 quarter shall be filed on or before the twentieth day of the  
7 calendar month following the end of such calendar quarter. The  
8 taxpayer shall also file a return with the Department for each  
9 of the first two months of each calendar quarter, on or before  
10 the twentieth day of the following calendar month, stating:

- 11 1. The name of the seller;
- 12 2. The address of the principal place of business from  
13 which he engages in business as a serviceman in this State;
- 14 3. The total amount of taxable receipts received by him  
15 during the preceding calendar month, including receipts  
16 from charge and time sales, but less all deductions allowed  
17 by law;
- 18 4. The amount of credit provided in Section 2d of this  
19 Act;
- 20 5. The amount of tax due;
- 21 5-5. The signature of the taxpayer; and
- 22 6. Such other reasonable information as the Department  
23 may require.

24 Each serviceman required or authorized to collect the tax  
25 imposed by this Act on aviation fuel transferred as an incident  
26 of a sale of service in this State during the preceding

1 calendar month shall, instead of reporting and paying tax on  
2 aviation fuel as otherwise required by this Section, report and  
3 pay such tax on a separate aviation fuel tax return. The  
4 requirements related to the return shall be as otherwise  
5 provided in this Section. Notwithstanding any other provisions  
6 of this Act to the contrary, servicemen collecting tax on  
7 aviation fuel shall file all aviation fuel tax returns and  
8 shall make all aviation fuel tax payments by electronic means  
9 in the manner and form required by the Department. For purposes  
10 of this Section, "aviation fuel" means jet fuel and aviation  
11 gasoline.

12 If a taxpayer fails to sign a return within 30 days after  
13 the proper notice and demand for signature by the Department,  
14 the return shall be considered valid and any amount shown to be  
15 due on the return shall be deemed assessed.

16 Notwithstanding any other provision of this Act to the  
17 contrary, servicemen subject to tax on cannabis shall file all  
18 cannabis tax returns and shall make all cannabis tax payments  
19 by electronic means in the manner and form required by the  
20 Department.

21 Beginning October 1, 1993, a taxpayer who has an average  
22 monthly tax liability of \$150,000 or more shall make all  
23 payments required by rules of the Department by electronic  
24 funds transfer. Beginning October 1, 1994, a taxpayer who has  
25 an average monthly tax liability of \$100,000 or more shall make  
26 all payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1995, a taxpayer who has  
2 an average monthly tax liability of \$50,000 or more shall make  
3 all payments required by rules of the Department by electronic  
4 funds transfer. Beginning October 1, 2000, a taxpayer who has  
5 an annual tax liability of \$200,000 or more shall make all  
6 payments required by rules of the Department by electronic  
7 funds transfer. The term "annual tax liability" shall be the  
8 sum of the taxpayer's liabilities under this Act, and under all  
9 other State and local occupation and use tax laws administered  
10 by the Department, for the immediately preceding calendar year.  
11 The term "average monthly tax liability" means the sum of the  
12 taxpayer's liabilities under this Act, and under all other  
13 State and local occupation and use tax laws administered by the  
14 Department, for the immediately preceding calendar year  
15 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
16 a tax liability in the amount set forth in subsection (b) of  
17 Section 2505-210 of the Department of Revenue Law shall make  
18 all payments required by rules of the Department by electronic  
19 funds transfer.

20 Before August 1 of each year beginning in 1993, the  
21 Department shall notify all taxpayers required to make payments  
22 by electronic funds transfer. All taxpayers required to make  
23 payments by electronic funds transfer shall make those payments  
24 for a minimum of one year beginning on October 1.

25 Any taxpayer not required to make payments by electronic  
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic funds  
3 transfer and any taxpayers authorized to voluntarily make  
4 payments by electronic funds transfer shall make those payments  
5 in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to  
7 effectuate a program of electronic funds transfer and the  
8 requirements of this Section.

9 If the serviceman is otherwise required to file a monthly  
10 return and if the serviceman's average monthly tax liability to  
11 the Department does not exceed \$200, the Department may  
12 authorize his returns to be filed on a quarter annual basis,  
13 with the return for January, February and March of a given year  
14 being due by April 20 of such year; with the return for April,  
15 May and June of a given year being due by July 20 of such year;  
16 with the return for July, August and September of a given year  
17 being due by October 20 of such year, and with the return for  
18 October, November and December of a given year being due by  
19 January 20 of the following year.

20 If the serviceman is otherwise required to file a monthly  
21 or quarterly return and if the serviceman's average monthly tax  
22 liability to the Department does not exceed \$50, the Department  
23 may authorize his returns to be filed on an annual basis, with  
24 the return for a given year being due by January 20 of the  
25 following year.

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly  
2 returns.

3 Notwithstanding any other provision in this Act concerning  
4 the time within which a serviceman may file his return, in the  
5 case of any serviceman who ceases to engage in a kind of  
6 business which makes him responsible for filing returns under  
7 this Act, such serviceman shall file a final return under this  
8 Act with the Department not more than 1 month after  
9 discontinuing such business.

10 Where a serviceman collects the tax with respect to the  
11 selling price of property which he sells and the purchaser  
12 thereafter returns such property and the serviceman refunds the  
13 selling price thereof to the purchaser, such serviceman shall  
14 also refund, to the purchaser, the tax so collected from the  
15 purchaser. When filing his return for the period in which he  
16 refunds such tax to the purchaser, the serviceman may deduct  
17 the amount of the tax so refunded by him to the purchaser from  
18 any other Service Use Tax, Service Occupation Tax, retailers'  
19 occupation tax or use tax which such serviceman may be required  
20 to pay or remit to the Department, as shown by such return,  
21 provided that the amount of the tax to be deducted shall  
22 previously have been remitted to the Department by such  
23 serviceman. If the serviceman shall not previously have  
24 remitted the amount of such tax to the Department, he shall be  
25 entitled to no deduction hereunder upon refunding such tax to  
26 the purchaser.

1 Any serviceman filing a return hereunder shall also include  
2 the total tax upon the selling price of tangible personal  
3 property purchased for use by him as an incident to a sale of  
4 service, and such serviceman shall remit the amount of such tax  
5 to the Department when filing such return.

6 If experience indicates such action to be practicable, the  
7 Department may prescribe and furnish a combination or joint  
8 return which will enable servicemen, who are required to file  
9 returns hereunder and also under the Service Occupation Tax  
10 Act, to furnish all the return information required by both  
11 Acts on the one form.

12 Where the serviceman has more than one business registered  
13 with the Department under separate registration hereunder,  
14 such serviceman shall not file each return that is due as a  
15 single return covering all such registered businesses, but  
16 shall file separate returns for each such registered business.

17 Beginning January 1, 1990, each month the Department shall  
18 pay into the State and Local Tax Reform Fund, a special fund in  
19 the State Treasury, the net revenue realized for the preceding  
20 month from the 1% tax imposed under this Act.

21 Beginning January 1, 1990, each month the Department shall  
22 pay into the State and Local Sales Tax Reform Fund 20% of the  
23 net revenue realized for the preceding month from the 6.25%  
24 general rate on transfers of tangible personal property, other  
25 than (i) tangible personal property which is purchased outside  
26 Illinois at retail from a retailer and which is titled or

1 registered by an agency of this State's government and (ii)  
2 aviation fuel sold on or after December 1, 2019. This exception  
3 for aviation fuel only applies for so long as the revenue use  
4 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
5 binding on the State.

6 For aviation fuel sold on or after December 1, 2019, each  
7 month the Department shall pay into the State Aviation Program  
8 Fund 20% of the net revenue realized for the preceding month  
9 from the 6.25% general rate on the selling price of aviation  
10 fuel, less an amount estimated by the Department to be required  
11 for refunds of the 20% portion of the tax on aviation fuel  
12 under this Act, which amount shall be deposited into the  
13 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
14 pay moneys into the State Aviation Program Fund and the  
15 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
16 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
17 U.S.C. 47133 are binding on the State.

18 Beginning August 1, 2000, each month the Department shall  
19 pay into the State and Local Sales Tax Reform Fund 100% of the  
20 net revenue realized for the preceding month from the 1.25%  
21 rate on the selling price of motor fuel and gasohol.

22 Beginning October 1, 2009, each month the Department shall  
23 pay into the Capital Projects Fund an amount that is equal to  
24 an amount estimated by the Department to represent 80% of the  
25 net revenue realized for the preceding month from the sale of  
26 candy, grooming and hygiene products, and soft drinks that had



1 been taxed at a rate of 1% prior to September 1, 2009 but that  
2 are now taxed at 6.25%.

3 Beginning July 1, 2013, each month the Department shall pay  
4 into the Underground Storage Tank Fund from the proceeds  
5 collected under this Act, the Use Tax Act, the Service  
6 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
7 amount equal to the average monthly deficit in the Underground  
8 Storage Tank Fund during the prior year, as certified annually  
9 by the Illinois Environmental Protection Agency, but the total  
10 payment into the Underground Storage Tank Fund under this Act,  
11 the Use Tax Act, the Service Occupation Tax Act, and the  
12 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in  
13 any State fiscal year. As used in this paragraph, the "average  
14 monthly deficit" shall be equal to the difference between the  
15 average monthly claims for payment by the fund and the average  
16 monthly revenues deposited into the fund, excluding payments  
17 made pursuant to this paragraph.

18 Beginning July 1, 2015, of the remainder of the moneys  
19 received by the Department under the Use Tax Act, this Act, the  
20 Service Occupation Tax Act, and the Retailers' Occupation Tax  
21 Act, each month the Department shall deposit \$500,000 into the  
22 State Crime Laboratory Fund.

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
26 and after July 1, 1989, 3.8% thereof shall be paid into the

1 Build Illinois Fund; provided, however, that if in any fiscal  
2 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
3 may be, of the moneys received by the Department and required  
4 to be paid into the Build Illinois Fund pursuant to Section 3  
5 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
6 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
7 Service Occupation Tax Act, such Acts being hereinafter called  
8 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
9 may be, of moneys being hereinafter called the "Tax Act  
10 Amount", and (2) the amount transferred to the Build Illinois  
11 Fund from the State and Local Sales Tax Reform Fund shall be  
12 less than the Annual Specified Amount (as defined in Section 3  
13 of the Retailers' Occupation Tax Act), an amount equal to the  
14 difference shall be immediately paid into the Build Illinois  
15 Fund from other moneys received by the Department pursuant to  
16 the Tax Acts; and further provided, that if on the last  
17 business day of any month the sum of (1) the Tax Act Amount  
18 required to be deposited into the Build Illinois Bond Account  
19 in the Build Illinois Fund during such month and (2) the amount  
20 transferred during such month to the Build Illinois Fund from  
21 the State and Local Sales Tax Reform Fund shall have been less  
22 than 1/12 of the Annual Specified Amount, an amount equal to  
23 the difference shall be immediately paid into the Build  
24 Illinois Fund from other moneys received by the Department  
25 pursuant to the Tax Acts; and, further provided, that in no  
26 event shall the payments required under the preceding proviso

1 result in aggregate payments into the Build Illinois Fund  
2 pursuant to this clause (b) for any fiscal year in excess of  
3 the greater of (i) the Tax Act Amount or (ii) the Annual  
4 Specified Amount for such fiscal year; and, further provided,  
5 that the amounts payable into the Build Illinois Fund under  
6 this clause (b) shall be payable only until such time as the  
7 aggregate amount on deposit under each trust indenture securing  
8 Bonds issued and outstanding pursuant to the Build Illinois  
9 Bond Act is sufficient, taking into account any future  
10 investment income, to fully provide, in accordance with such  
11 indenture, for the defeasance of or the payment of the  
12 principal of, premium, if any, and interest on the Bonds  
13 secured by such indenture and on any Bonds expected to be  
14 issued thereafter and all fees and costs payable with respect  
15 thereto, all as certified by the Director of the Bureau of the  
16 Budget (now Governor's Office of Management and Budget). If on  
17 the last business day of any month in which Bonds are  
18 outstanding pursuant to the Build Illinois Bond Act, the  
19 aggregate of the moneys deposited in the Build Illinois Bond  
20 Account in the Build Illinois Fund in such month shall be less  
21 than the amount required to be transferred in such month from  
22 the Build Illinois Bond Account to the Build Illinois Bond  
23 Retirement and Interest Fund pursuant to Section 13 of the  
24 Build Illinois Bond Act, an amount equal to such deficiency  
25 shall be immediately paid from other moneys received by the  
26 Department pursuant to the Tax Acts to the Build Illinois Fund;

1 provided, however, that any amounts paid to the Build Illinois  
 2 Fund in any fiscal year pursuant to this sentence shall be  
 3 deemed to constitute payments pursuant to clause (b) of the  
 4 preceding sentence and shall reduce the amount otherwise  
 5 payable for such fiscal year pursuant to clause (b) of the  
 6 preceding sentence. The moneys received by the Department  
 7 pursuant to this Act and required to be deposited into the  
 8 Build Illinois Fund are subject to the pledge, claim and charge  
 9 set forth in Section 12 of the Build Illinois Bond Act.

10 Subject to payment of amounts into the Build Illinois Fund  
 11 as provided in the preceding paragraph or in any amendment  
 12 thereto hereafter enacted, the following specified monthly  
 13 installment of the amount requested in the certificate of the  
 14 Chairman of the Metropolitan Pier and Exposition Authority  
 15 provided under Section 8.25f of the State Finance Act, but not  
 16 in excess of the sums designated as "Total Deposit", shall be  
 17 deposited in the aggregate from collections under Section 9 of  
 18 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 19 9 of the Service Occupation Tax Act, and Section 3 of the  
 20 Retailers' Occupation Tax Act into the McCormick Place  
 21 Expansion Project Fund in the specified fiscal years.

|    | Fiscal Year | Total<br>Deposit |
|----|-------------|------------------|
| 23 | 1993        | \$0              |
| 24 | 1994        | 53,000,000       |
| 25 | 1995        | 58,000,000       |

|    |      |             |
|----|------|-------------|
| 1  | 1996 | 61,000,000  |
| 2  | 1997 | 64,000,000  |
| 3  | 1998 | 68,000,000  |
| 4  | 1999 | 71,000,000  |
| 5  | 2000 | 75,000,000  |
| 6  | 2001 | 80,000,000  |
| 7  | 2002 | 93,000,000  |
| 8  | 2003 | 99,000,000  |
| 9  | 2004 | 103,000,000 |
| 10 | 2005 | 108,000,000 |
| 11 | 2006 | 113,000,000 |
| 12 | 2007 | 119,000,000 |
| 13 | 2008 | 126,000,000 |
| 14 | 2009 | 132,000,000 |
| 15 | 2010 | 139,000,000 |
| 16 | 2011 | 146,000,000 |
| 17 | 2012 | 153,000,000 |
| 18 | 2013 | 161,000,000 |
| 19 | 2014 | 170,000,000 |
| 20 | 2015 | 179,000,000 |
| 21 | 2016 | 189,000,000 |
| 22 | 2017 | 199,000,000 |
| 23 | 2018 | 210,000,000 |
| 24 | 2019 | 221,000,000 |
| 25 | 2020 | 233,000,000 |
| 26 | 2021 | 246,000,000 |

|    |      |             |
|----|------|-------------|
| 1  | 2022 | 260,000,000 |
| 2  | 2023 | 275,000,000 |
| 3  | 2024 | 275,000,000 |
| 4  | 2025 | 275,000,000 |
| 5  | 2026 | 279,000,000 |
| 6  | 2027 | 292,000,000 |
| 7  | 2028 | 307,000,000 |
| 8  | 2029 | 322,000,000 |
| 9  | 2030 | 338,000,000 |
| 10 | 2031 | 350,000,000 |
| 11 | 2032 | 350,000,000 |

12                   and  
13                   each fiscal year  
14                   thereafter that bonds  
15                   are outstanding under  
16                   Section 13.2 of the  
17                   Metropolitan Pier and  
18                   Exposition Authority Act,  
19                   but not after fiscal year 2060.

20                   Beginning July 20, 1993 and in each month of each fiscal  
21                   year thereafter, one-eighth of the amount requested in the  
22                   certificate of the Chairman of the Metropolitan Pier and  
23                   Exposition Authority for that fiscal year, less the amount  
24                   deposited into the McCormick Place Expansion Project Fund by  
25                   the State Treasurer in the respective month under subsection  
26                   (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits  
2 required under this Section for previous months and years,  
3 shall be deposited into the McCormick Place Expansion Project  
4 Fund, until the full amount requested for the fiscal year, but  
5 not in excess of the amount specified above as "Total Deposit",  
6 has been deposited.

7 Subject to payment of amounts into the Capital Projects  
8 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
9 and the McCormick Place Expansion Project Fund pursuant to the  
10 preceding paragraphs or in any amendments thereto hereafter  
11 enacted, for aviation fuel sold on or after December 1, 2019,  
12 the Department shall each month deposit into the Aviation Fuel  
13 Sales Tax Refund Fund an amount estimated by the Department to  
14 be required for refunds of the 80% portion of the tax on  
15 aviation fuel under this Act. The Department shall only deposit  
16 moneys into the Aviation Fuel Sales Tax Refund Fund under this  
17 paragraph for so long as the revenue use requirements of 49  
18 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

19 Subject to payment of amounts into the Build Illinois Fund  
20 and the McCormick Place Expansion Project Fund pursuant to the  
21 preceding paragraphs or in any amendments thereto hereafter  
22 enacted, beginning July 1, 1993 and ending on September 30,  
23 2013, the Department shall each month pay into the Illinois Tax  
24 Increment Fund 0.27% of 80% of the net revenue realized for the  
25 preceding month from the 6.25% general rate on the selling  
26 price of tangible personal property.

1           Subject to payment of amounts into the Build Illinois Fund  
2           and the McCormick Place Expansion Project Fund pursuant to the  
3           preceding paragraphs or in any amendments thereto hereafter  
4           enacted, beginning with the receipt of the first report of  
5           taxes paid by an eligible business and continuing for a 25-year  
6           period, the Department shall each month pay into the Energy  
7           Infrastructure Fund 80% of the net revenue realized from the  
8           6.25% general rate on the selling price of Illinois-mined coal  
9           that was sold to an eligible business. For purposes of this  
10          paragraph, the term "eligible business" means a new electric  
11          generating facility certified pursuant to Section 605-332 of  
12          the Department of Commerce and Economic Opportunity Law of the  
13          Civil Administrative Code of Illinois.

14          Subject to payment of amounts into the Build Illinois Fund,  
15          the McCormick Place Expansion Project Fund, the Illinois Tax  
16          Increment Fund, and the Energy Infrastructure Fund pursuant to  
17          the preceding paragraphs or in any amendments to this Section  
18          hereafter enacted, beginning on the first day of the first  
19          calendar month to occur on or after August 26, 2014 (the  
20          effective date of Public Act 98-1098), each month, from the  
21          collections made under Section 9 of the Use Tax Act, Section 9  
22          of the Service Use Tax Act, Section 9 of the Service Occupation  
23          Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
24          the Department shall pay into the Tax Compliance and  
25          Administration Fund, to be used, subject to appropriation, to  
26          fund additional auditors and compliance personnel at the



1 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
2 the cash receipts collected during the preceding fiscal year by  
3 the Audit Bureau of the Department under the Use Tax Act, the  
4 Service Use Tax Act, the Service Occupation Tax Act, the  
5 Retailers' Occupation Tax Act, and associated local occupation  
6 and use taxes administered by the Department.

7 Subject to payments of amounts into the Build Illinois  
8 Fund, the McCormick Place Expansion Project Fund, the Illinois  
9 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
10 Compliance and Administration Fund as provided in this Section,  
11 beginning on July 1, 2018 the Department shall pay each month  
12 into the Downstate Public Transportation Fund the moneys  
13 required to be so paid under Section 2-3 of the Downstate  
14 Public Transportation Act.

15 Subject to successful execution and delivery of a  
16 public-private agreement between the public agency and private  
17 entity and completion of the civic build, beginning on July 1,  
18 2023, of the remainder of the moneys received by the Department  
19 under the Use Tax Act, the Service Use Tax Act, the Service  
20 Occupation Tax Act, and this Act, the Department shall deposit  
21 the following specified deposits in the aggregate from  
22 collections under the Use Tax Act, the Service Use Tax Act, the  
23 Service Occupation Tax Act, and the Retailers' Occupation Tax  
24 Act, as required under Section 8.25g of the State Finance Act  
25 for distribution consistent with the Public-Private  
26 Partnership for Civic and Transit Infrastructure Project Act.

1 The moneys received by the Department pursuant to this Act and  
 2 required to be deposited into the Civic and Transit  
 3 Infrastructure Fund are subject to the pledge, claim, and  
 4 charge set forth in Section 25-55 of the Public-Private  
 5 Partnership for Civic and Transit Infrastructure Project Act.  
 6 As used in this paragraph, "civic build", "private entity",  
 7 "public-private agreement", and "public agency" have the  
 8 meanings provided in Section 25-10 of the Public-Private  
 9 Partnership for Civic and Transit Infrastructure Project Act.

| 10 | Fiscal Year..... | Total Deposit |
|----|------------------|---------------|
| 11 | 2024 .....       | \$200,000,000 |
| 12 | 2025 .....       | \$206,000,000 |
| 13 | 2026 .....       | \$212,200,000 |
| 14 | 2027 .....       | \$218,500,000 |
| 15 | 2028 .....       | \$225,100,000 |
| 16 | 2029 .....       | \$288,700,000 |
| 17 | 2030 .....       | \$298,900,000 |
| 18 | 2031 .....       | \$309,300,000 |
| 19 | 2032 .....       | \$320,100,000 |
| 20 | 2033 .....       | \$331,200,000 |
| 21 | 2034 .....       | \$341,200,000 |
| 22 | 2035 .....       | \$351,400,000 |
| 23 | 2036 .....       | \$361,900,000 |
| 24 | 2037 .....       | \$372,800,000 |
| 25 | 2038 .....       | \$384,000,000 |
| 26 | 2039 .....       | \$395,500,000 |

|   |      |       |               |
|---|------|-------|---------------|
| 1 | 2040 | ..... | \$407,400,000 |
| 2 | 2041 | ..... | \$419,600,000 |
| 3 | 2042 | ..... | \$432,200,000 |
| 4 | 2043 | ..... | \$445,100,000 |

5 ~~Beginning July 1, 2021 and until July 1, 2022, subject to~~  
6 ~~the payment of amounts into the State and Local Sales Tax~~  
7 ~~Reform Fund, the Build Illinois Fund, the McCormick Place~~  
8 ~~Expansion Project Fund, the Illinois Tax Increment Fund, the~~  
9 ~~Energy Infrastructure Fund, and the Tax Compliance and~~  
10 ~~Administration Fund as provided in this Section, the Department~~  
11 ~~shall pay each month into the Road Fund the amount estimated to~~  
12 ~~represent 16% of the net revenue realized from the taxes~~  
13 ~~imposed on motor fuel and gasohol. Beginning July 1, 2022 and~~  
14 ~~until July 1, 2023, subject to the payment of amounts into the~~  
15 ~~State and Local Sales Tax Reform Fund, the Build Illinois Fund,~~  
16 ~~the McCormick Place Expansion Project Fund, the Illinois Tax~~  
17 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
18 ~~Compliance and Administration Fund as provided in this Section,~~  
19 ~~the Department shall pay each month into the Road Fund the~~  
20 ~~amount estimated to represent 32% of the net revenue realized~~  
21 ~~from the taxes imposed on motor fuel and gasohol. Beginning~~  
22 ~~July 1, 2023 and until July 1, 2024, subject to the payment of~~  
23 ~~amounts into the State and Local Sales Tax Reform Fund, the~~  
24 ~~Build Illinois Fund, the McCormick Place Expansion Project~~  
25 ~~Fund, the Illinois Tax Increment Fund, the Energy~~  
26 ~~Infrastructure Fund, and the Tax Compliance and Administration~~

1 ~~Fund as provided in this Section, the Department shall pay each~~  
2 ~~month into the Road Fund the amount estimated to represent 48%~~  
3 ~~of the net revenue realized from the taxes imposed on motor~~  
4 ~~fuel and gasohol. Beginning July 1, 2024 and until July 1,~~  
5 ~~2025, subject to the payment of amounts into the State and~~  
6 ~~Local Sales Tax Reform Fund, the Build Illinois Fund, the~~  
7 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
8 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
9 ~~Compliance and Administration Fund as provided in this Section,~~  
10 ~~the Department shall pay each month into the Road Fund the~~  
11 ~~amount estimated to represent 64% of the net revenue realized~~  
12 ~~from the taxes imposed on motor fuel and gasohol. Beginning on~~  
13 ~~July 1, 2025, subject to the payment of amounts into the State~~  
14 ~~and Local Sales Tax Reform Fund, the Build Illinois Fund, the~~  
15 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
16 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
17 ~~Compliance and Administration Fund as provided in this Section,~~  
18 ~~the Department shall pay each month into the Road Fund the~~  
19 ~~amount estimated to represent 80% of the net revenue realized~~  
20 ~~from the taxes imposed on motor fuel and gasohol. As used in~~  
21 ~~this paragraph "motor fuel" has the meaning given to that term~~  
22 ~~in Section 1.1 of the Motor Fuel Tax Act, and "gasohol" has the~~  
23 ~~meaning given to that term in Section 3-40 of the Use Tax Act.~~

24       Of the remainder of the moneys received by the Department  
25 pursuant to this Act, 75% thereof shall be paid into the  
26 General Revenue Fund of the State Treasury and 25% shall be

1 reserved in a special account and used only for the transfer to  
2 the Common School Fund as part of the monthly transfer from the  
3 General Revenue Fund in accordance with Section 8a of the State  
4 Finance Act.

5 As soon as possible after the first day of each month, upon  
6 certification of the Department of Revenue, the Comptroller  
7 shall order transferred and the Treasurer shall transfer from  
8 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
9 equal to 1.7% of 80% of the net revenue realized under this Act  
10 for the second preceding month. Beginning April 1, 2000, this  
11 transfer is no longer required and shall not be made.

12 Net revenue realized for a month shall be the revenue  
13 collected by the State pursuant to this Act, less the amount  
14 paid out during that month as refunds to taxpayers for  
15 overpayment of liability.

16 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;  
17 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article  
18 15, Section 15-15, eff. 6-5-19; 101-10, Article 25, Section  
19 25-110, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.  
20 6-28-19; 101-604, eff. 12-13-19.)

21 Section 15-25. The Retailers' Occupation Tax Act is amended  
22 by changing Section 3 as follows:

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

24 Sec. 3. Except as provided in this Section, on or before

1 the twentieth day of each calendar month, every person engaged  
2 in the business of selling tangible personal property at retail  
3 in this State during the preceding calendar month shall file a  
4 return with the Department, stating:

5 1. The name of the seller;

6 2. His residence address and the address of his  
7 principal place of business and the address of the  
8 principal place of business (if that is a different  
9 address) from which he engages in the business of selling  
10 tangible personal property at retail in this State;

11 3. Total amount of receipts received by him during the  
12 preceding calendar month or quarter, as the case may be,  
13 from sales of tangible personal property, and from services  
14 furnished, by him during such preceding calendar month or  
15 quarter;

16 4. Total amount received by him during the preceding  
17 calendar month or quarter on charge and time sales of  
18 tangible personal property, and from services furnished,  
19 by him prior to the month or quarter for which the return  
20 is filed;

21 5. Deductions allowed by law;

22 6. Gross receipts which were received by him during the  
23 preceding calendar month or quarter and upon the basis of  
24 which the tax is imposed;

25 7. The amount of credit provided in Section 2d of this  
26 Act;

- 1           8. The amount of tax due;
- 2           9. The signature of the taxpayer; and
- 3           10. Such other reasonable information as the
- 4           Department may require.

5           On and after January 1, 2018, except for returns for motor  
6           vehicles, watercraft, aircraft, and trailers that are required  
7           to be registered with an agency of this State, with respect to  
8           retailers whose annual gross receipts average \$20,000 or more,  
9           all returns required to be filed pursuant to this Act shall be  
10          filed electronically. Retailers who demonstrate that they do  
11          not have access to the Internet or demonstrate hardship in  
12          filing electronically may petition the Department to waive the  
13          electronic filing requirement.

14          If a taxpayer fails to sign a return within 30 days after  
15          the proper notice and demand for signature by the Department,  
16          the return shall be considered valid and any amount shown to be  
17          due on the return shall be deemed assessed.

18          Each return shall be accompanied by the statement of  
19          prepaid tax issued pursuant to Section 2e for which credit is  
20          claimed.

21          Prior to October 1, 2003, and on and after September 1,  
22          2004 a retailer may accept a Manufacturer's Purchase Credit  
23          certification from a purchaser in satisfaction of Use Tax as  
24          provided in Section 3-85 of the Use Tax Act if the purchaser  
25          provides the appropriate documentation as required by Section  
26          3-85 of the Use Tax Act. A Manufacturer's Purchase Credit

1 certification, accepted by a retailer prior to October 1, 2003  
2 and on and after September 1, 2004 as provided in Section 3-85  
3 of the Use Tax Act, may be used by that retailer to satisfy  
4 Retailers' Occupation Tax liability in the amount claimed in  
5 the certification, not to exceed 6.25% of the receipts subject  
6 to tax from a qualifying purchase. A Manufacturer's Purchase  
7 Credit reported on any original or amended return filed under  
8 this Act after October 20, 2003 for reporting periods prior to  
9 September 1, 2004 shall be disallowed. Manufacturer's  
10 Purchaser Credit reported on annual returns due on or after  
11 January 1, 2005 will be disallowed for periods prior to  
12 September 1, 2004. No Manufacturer's Purchase Credit may be  
13 used after September 30, 2003 through August 31, 2004 to  
14 satisfy any tax liability imposed under this Act, including any  
15 audit liability.

16 The Department may require returns to be filed on a  
17 quarterly basis. If so required, a return for each calendar  
18 quarter shall be filed on or before the twentieth day of the  
19 calendar month following the end of such calendar quarter. The  
20 taxpayer shall also file a return with the Department for each  
21 of the first two months of each calendar quarter, on or before  
22 the twentieth day of the following calendar month, stating:

23 1. The name of the seller;

24 2. The address of the principal place of business from  
25 which he engages in the business of selling tangible  
26 personal property at retail in this State;



1           3. The total amount of taxable receipts received by him  
2           during the preceding calendar month from sales of tangible  
3           personal property by him during such preceding calendar  
4           month, including receipts from charge and time sales, but  
5           less all deductions allowed by law;

6           4. The amount of credit provided in Section 2d of this  
7           Act;

8           5. The amount of tax due; and

9           6. Such other reasonable information as the Department  
10          may require.

11          Every person engaged in the business of selling aviation  
12          fuel at retail in this State during the preceding calendar  
13          month shall, instead of reporting and paying tax as otherwise  
14          required by this Section, report and pay such tax on a separate  
15          aviation fuel tax return. The requirements related to the  
16          return shall be as otherwise provided in this Section.  
17          Notwithstanding any other provisions of this Act to the  
18          contrary, retailers selling aviation fuel shall file all  
19          aviation fuel tax returns and shall make all aviation fuel tax  
20          payments by electronic means in the manner and form required by  
21          the Department. For purposes of this Section, "aviation fuel"  
22          means jet fuel and aviation gasoline.

23          Beginning on October 1, 2003, any person who is not a  
24          licensed distributor, importing distributor, or manufacturer,  
25          as defined in the Liquor Control Act of 1934, but is engaged in  
26          the business of selling, at retail, alcoholic liquor shall file

1 a statement with the Department of Revenue, in a format and at  
2 a time prescribed by the Department, showing the total amount  
3 paid for alcoholic liquor purchased during the preceding month  
4 and such other information as is reasonably required by the  
5 Department. The Department may adopt rules to require that this  
6 statement be filed in an electronic or telephonic format. Such  
7 rules may provide for exceptions from the filing requirements  
8 of this paragraph. For the purposes of this paragraph, the term  
9 "alcoholic liquor" shall have the meaning prescribed in the  
10 Liquor Control Act of 1934.

11 Beginning on October 1, 2003, every distributor, importing  
12 distributor, and manufacturer of alcoholic liquor as defined in  
13 the Liquor Control Act of 1934, shall file a statement with the  
14 Department of Revenue, no later than the 10th day of the month  
15 for the preceding month during which transactions occurred, by  
16 electronic means, showing the total amount of gross receipts  
17 from the sale of alcoholic liquor sold or distributed during  
18 the preceding month to purchasers; identifying the purchaser to  
19 whom it was sold or distributed; the purchaser's tax  
20 registration number; and such other information reasonably  
21 required by the Department. A distributor, importing  
22 distributor, or manufacturer of alcoholic liquor must  
23 personally deliver, mail, or provide by electronic means to  
24 each retailer listed on the monthly statement a report  
25 containing a cumulative total of that distributor's, importing  
26 distributor's, or manufacturer's total sales of alcoholic

1 liquor to that retailer no later than the 10th day of the month  
2 for the preceding month during which the transaction occurred.  
3 The distributor, importing distributor, or manufacturer shall  
4 notify the retailer as to the method by which the distributor,  
5 importing distributor, or manufacturer will provide the sales  
6 information. If the retailer is unable to receive the sales  
7 information by electronic means, the distributor, importing  
8 distributor, or manufacturer shall furnish the sales  
9 information by personal delivery or by mail. For purposes of  
10 this paragraph, the term "electronic means" includes, but is  
11 not limited to, the use of a secure Internet website, e-mail,  
12 or facsimile.

13 If a total amount of less than \$1 is payable, refundable or  
14 creditable, such amount shall be disregarded if it is less than  
15 50 cents and shall be increased to \$1 if it is 50 cents or more.

16 Notwithstanding any other provision of this Act to the  
17 contrary, retailers subject to tax on cannabis shall file all  
18 cannabis tax returns and shall make all cannabis tax payments  
19 by electronic means in the manner and form required by the  
20 Department.

21 Beginning October 1, 1993, a taxpayer who has an average  
22 monthly tax liability of \$150,000 or more shall make all  
23 payments required by rules of the Department by electronic  
24 funds transfer. Beginning October 1, 1994, a taxpayer who has  
25 an average monthly tax liability of \$100,000 or more shall make  
26 all payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1995, a taxpayer who has  
2 an average monthly tax liability of \$50,000 or more shall make  
3 all payments required by rules of the Department by electronic  
4 funds transfer. Beginning October 1, 2000, a taxpayer who has  
5 an annual tax liability of \$200,000 or more shall make all  
6 payments required by rules of the Department by electronic  
7 funds transfer. The term "annual tax liability" shall be the  
8 sum of the taxpayer's liabilities under this Act, and under all  
9 other State and local occupation and use tax laws administered  
10 by the Department, for the immediately preceding calendar year.  
11 The term "average monthly tax liability" shall be the sum of  
12 the taxpayer's liabilities under this Act, and under all other  
13 State and local occupation and use tax laws administered by the  
14 Department, for the immediately preceding calendar year  
15 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
16 a tax liability in the amount set forth in subsection (b) of  
17 Section 2505-210 of the Department of Revenue Law shall make  
18 all payments required by rules of the Department by electronic  
19 funds transfer.

20 Before August 1 of each year beginning in 1993, the  
21 Department shall notify all taxpayers required to make payments  
22 by electronic funds transfer. All taxpayers required to make  
23 payments by electronic funds transfer shall make those payments  
24 for a minimum of one year beginning on October 1.

25 Any taxpayer not required to make payments by electronic  
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic funds  
3 transfer and any taxpayers authorized to voluntarily make  
4 payments by electronic funds transfer shall make those payments  
5 in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to  
7 effectuate a program of electronic funds transfer and the  
8 requirements of this Section.

9 Any amount which is required to be shown or reported on any  
10 return or other document under this Act shall, if such amount  
11 is not a whole-dollar amount, be increased to the nearest  
12 whole-dollar amount in any case where the fractional part of a  
13 dollar is 50 cents or more, and decreased to the nearest  
14 whole-dollar amount where the fractional part of a dollar is  
15 less than 50 cents.

16 If the retailer is otherwise required to file a monthly  
17 return and if the retailer's average monthly tax liability to  
18 the Department does not exceed \$200, the Department may  
19 authorize his returns to be filed on a quarter annual basis,  
20 with the return for January, February and March of a given year  
21 being due by April 20 of such year; with the return for April,  
22 May and June of a given year being due by July 20 of such year;  
23 with the return for July, August and September of a given year  
24 being due by October 20 of such year, and with the return for  
25 October, November and December of a given year being due by  
26 January 20 of the following year.

1           If the retailer is otherwise required to file a monthly or  
2 quarterly return and if the retailer's average monthly tax  
3 liability with the Department does not exceed \$50, the  
4 Department may authorize his returns to be filed on an annual  
5 basis, with the return for a given year being due by January 20  
6 of the following year.

7           Such quarter annual and annual returns, as to form and  
8 substance, shall be subject to the same requirements as monthly  
9 returns.

10           Notwithstanding any other provision in this Act concerning  
11 the time within which a retailer may file his return, in the  
12 case of any retailer who ceases to engage in a kind of business  
13 which makes him responsible for filing returns under this Act,  
14 such retailer shall file a final return under this Act with the  
15 Department not more than one month after discontinuing such  
16 business.

17           Where the same person has more than one business registered  
18 with the Department under separate registrations under this  
19 Act, such person may not file each return that is due as a  
20 single return covering all such registered businesses, but  
21 shall file separate returns for each such registered business.

22           In addition, with respect to motor vehicles, watercraft,  
23 aircraft, and trailers that are required to be registered with  
24 an agency of this State, except as otherwise provided in this  
25 Section, every retailer selling this kind of tangible personal  
26 property shall file, with the Department, upon a form to be

1 prescribed and supplied by the Department, a separate return  
2 for each such item of tangible personal property which the  
3 retailer sells, except that if, in the same transaction, (i) a  
4 retailer of aircraft, watercraft, motor vehicles or trailers  
5 transfers more than one aircraft, watercraft, motor vehicle or  
6 trailer to another aircraft, watercraft, motor vehicle  
7 retailer or trailer retailer for the purpose of resale or (ii)  
8 a retailer of aircraft, watercraft, motor vehicles, or trailers  
9 transfers more than one aircraft, watercraft, motor vehicle, or  
10 trailer to a purchaser for use as a qualifying rolling stock as  
11 provided in Section 2-5 of this Act, then that seller may  
12 report the transfer of all aircraft, watercraft, motor vehicles  
13 or trailers involved in that transaction to the Department on  
14 the same uniform invoice-transaction reporting return form.  
15 For purposes of this Section, "watercraft" means a Class 2,  
16 Class 3, or Class 4 watercraft as defined in Section 3-2 of the  
17 Boat Registration and Safety Act, a personal watercraft, or any  
18 boat equipped with an inboard motor.

19 In addition, with respect to motor vehicles, watercraft,  
20 aircraft, and trailers that are required to be registered with  
21 an agency of this State, every person who is engaged in the  
22 business of leasing or renting such items and who, in  
23 connection with such business, sells any such item to a  
24 retailer for the purpose of resale is, notwithstanding any  
25 other provision of this Section to the contrary, authorized to  
26 meet the return-filing requirement of this Act by reporting the

1 transfer of all the aircraft, watercraft, motor vehicles, or  
2 trailers transferred for resale during a month to the  
3 Department on the same uniform invoice-transaction reporting  
4 return form on or before the 20th of the month following the  
5 month in which the transfer takes place. Notwithstanding any  
6 other provision of this Act to the contrary, all returns filed  
7 under this paragraph must be filed by electronic means in the  
8 manner and form as required by the Department.

9 Any retailer who sells only motor vehicles, watercraft,  
10 aircraft, or trailers that are required to be registered with  
11 an agency of this State, so that all retailers' occupation tax  
12 liability is required to be reported, and is reported, on such  
13 transaction reporting returns and who is not otherwise required  
14 to file monthly or quarterly returns, need not file monthly or  
15 quarterly returns. However, those retailers shall be required  
16 to file returns on an annual basis.

17 The transaction reporting return, in the case of motor  
18 vehicles or trailers that are required to be registered with an  
19 agency of this State, shall be the same document as the Uniform  
20 Invoice referred to in Section 5-402 of the Illinois Vehicle  
21 Code and must show the name and address of the seller; the name  
22 and address of the purchaser; the amount of the selling price  
23 including the amount allowed by the retailer for traded-in  
24 property, if any; the amount allowed by the retailer for the  
25 traded-in tangible personal property, if any, to the extent to  
26 which Section 1 of this Act allows an exemption for the value



1 of traded-in property; the balance payable after deducting such  
2 trade-in allowance from the total selling price; the amount of  
3 tax due from the retailer with respect to such transaction; the  
4 amount of tax collected from the purchaser by the retailer on  
5 such transaction (or satisfactory evidence that such tax is not  
6 due in that particular instance, if that is claimed to be the  
7 fact); the place and date of the sale; a sufficient  
8 identification of the property sold; such other information as  
9 is required in Section 5-402 of the Illinois Vehicle Code, and  
10 such other information as the Department may reasonably  
11 require.

12 The transaction reporting return in the case of watercraft  
13 or aircraft must show the name and address of the seller; the  
14 name and address of the purchaser; the amount of the selling  
15 price including the amount allowed by the retailer for  
16 traded-in property, if any; the amount allowed by the retailer  
17 for the traded-in tangible personal property, if any, to the  
18 extent to which Section 1 of this Act allows an exemption for  
19 the value of traded-in property; the balance payable after  
20 deducting such trade-in allowance from the total selling price;  
21 the amount of tax due from the retailer with respect to such  
22 transaction; the amount of tax collected from the purchaser by  
23 the retailer on such transaction (or satisfactory evidence that  
24 such tax is not due in that particular instance, if that is  
25 claimed to be the fact); the place and date of the sale, a  
26 sufficient identification of the property sold, and such other

1 information as the Department may reasonably require.

2 Such transaction reporting return shall be filed not later  
3 than 20 days after the day of delivery of the item that is  
4 being sold, but may be filed by the retailer at any time sooner  
5 than that if he chooses to do so. The transaction reporting  
6 return and tax remittance or proof of exemption from the  
7 Illinois use tax may be transmitted to the Department by way of  
8 the State agency with which, or State officer with whom the  
9 tangible personal property must be titled or registered (if  
10 titling or registration is required) if the Department and such  
11 agency or State officer determine that this procedure will  
12 expedite the processing of applications for title or  
13 registration.

14 With each such transaction reporting return, the retailer  
15 shall remit the proper amount of tax due (or shall submit  
16 satisfactory evidence that the sale is not taxable if that is  
17 the case), to the Department or its agents, whereupon the  
18 Department shall issue, in the purchaser's name, a use tax  
19 receipt (or a certificate of exemption if the Department is  
20 satisfied that the particular sale is tax exempt) which such  
21 purchaser may submit to the agency with which, or State officer  
22 with whom, he must title or register the tangible personal  
23 property that is involved (if titling or registration is  
24 required) in support of such purchaser's application for an  
25 Illinois certificate or other evidence of title or registration  
26 to such tangible personal property.

1           No retailer's failure or refusal to remit tax under this  
2 Act precludes a user, who has paid the proper tax to the  
3 retailer, from obtaining his certificate of title or other  
4 evidence of title or registration (if titling or registration  
5 is required) upon satisfying the Department that such user has  
6 paid the proper tax (if tax is due) to the retailer. The  
7 Department shall adopt appropriate rules to carry out the  
8 mandate of this paragraph.

9           If the user who would otherwise pay tax to the retailer  
10 wants the transaction reporting return filed and the payment of  
11 the tax or proof of exemption made to the Department before the  
12 retailer is willing to take these actions and such user has not  
13 paid the tax to the retailer, such user may certify to the fact  
14 of such delay by the retailer and may (upon the Department  
15 being satisfied of the truth of such certification) transmit  
16 the information required by the transaction reporting return  
17 and the remittance for tax or proof of exemption directly to  
18 the Department and obtain his tax receipt or exemption  
19 determination, in which event the transaction reporting return  
20 and tax remittance (if a tax payment was required) shall be  
21 credited by the Department to the proper retailer's account  
22 with the Department, but without the 2.1% or 1.75% discount  
23 provided for in this Section being allowed. When the user pays  
24 the tax directly to the Department, he shall pay the tax in the  
25 same amount and in the same form in which it would be remitted  
26 if the tax had been remitted to the Department by the retailer.

1 Refunds made by the seller during the preceding return  
2 period to purchasers, on account of tangible personal property  
3 returned to the seller, shall be allowed as a deduction under  
4 subdivision 5 of his monthly or quarterly return, as the case  
5 may be, in case the seller had theretofore included the  
6 receipts from the sale of such tangible personal property in a  
7 return filed by him and had paid the tax imposed by this Act  
8 with respect to such receipts.

9 Where the seller is a corporation, the return filed on  
10 behalf of such corporation shall be signed by the president,  
11 vice-president, secretary or treasurer or by the properly  
12 accredited agent of such corporation.

13 Where the seller is a limited liability company, the return  
14 filed on behalf of the limited liability company shall be  
15 signed by a manager, member, or properly accredited agent of  
16 the limited liability company.

17 Except as provided in this Section, the retailer filing the  
18 return under this Section shall, at the time of filing such  
19 return, pay to the Department the amount of tax imposed by this  
20 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
21 on and after January 1, 1990, or \$5 per calendar year,  
22 whichever is greater, which is allowed to reimburse the  
23 retailer for the expenses incurred in keeping records,  
24 preparing and filing returns, remitting the tax and supplying  
25 data to the Department on request. The discount under this  
26 Section is not allowed for the 1.25% portion of taxes paid on

1 aviation fuel that is subject to the revenue use requirements  
2 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. Any prepayment made  
3 pursuant to Section 2d of this Act shall be included in the  
4 amount on which such 2.1% or 1.75% discount is computed. In the  
5 case of retailers who report and pay the tax on a transaction  
6 by transaction basis, as provided in this Section, such  
7 discount shall be taken with each such tax remittance instead  
8 of when such retailer files his periodic return. The discount  
9 allowed under this Section is allowed only for returns that are  
10 filed in the manner required by this Act. The Department may  
11 disallow the discount for retailers whose certificate of  
12 registration is revoked at the time the return is filed, but  
13 only if the Department's decision to revoke the certificate of  
14 registration has become final.

15 Before October 1, 2000, if the taxpayer's average monthly  
16 tax liability to the Department under this Act, the Use Tax  
17 Act, the Service Occupation Tax Act, and the Service Use Tax  
18 Act, excluding any liability for prepaid sales tax to be  
19 remitted in accordance with Section 2d of this Act, was \$10,000  
20 or more during the preceding 4 complete calendar quarters, he  
21 shall file a return with the Department each month by the 20th  
22 day of the month next following the month during which such tax  
23 liability is incurred and shall make payments to the Department  
24 on or before the 7th, 15th, 22nd and last day of the month  
25 during which such liability is incurred. On and after October  
26 1, 2000, if the taxpayer's average monthly tax liability to the

1 Department under this Act, the Use Tax Act, the Service  
2 Occupation Tax Act, and the Service Use Tax Act, excluding any  
3 liability for prepaid sales tax to be remitted in accordance  
4 with Section 2d of this Act, was \$20,000 or more during the  
5 preceding 4 complete calendar quarters, he shall file a return  
6 with the Department each month by the 20th day of the month  
7 next following the month during which such tax liability is  
8 incurred and shall make payment to the Department on or before  
9 the 7th, 15th, 22nd and last day of the month during which such  
10 liability is incurred. If the month during which such tax  
11 liability is incurred began prior to January 1, 1985, each  
12 payment shall be in an amount equal to 1/4 of the taxpayer's  
13 actual liability for the month or an amount set by the  
14 Department not to exceed 1/4 of the average monthly liability  
15 of the taxpayer to the Department for the preceding 4 complete  
16 calendar quarters (excluding the month of highest liability and  
17 the month of lowest liability in such 4 quarter period). If the  
18 month during which such tax liability is incurred begins on or  
19 after January 1, 1985 and prior to January 1, 1987, each  
20 payment shall be in an amount equal to 22.5% of the taxpayer's  
21 actual liability for the month or 27.5% of the taxpayer's  
22 liability for the same calendar month of the preceding year. If  
23 the month during which such tax liability is incurred begins on  
24 or after January 1, 1987 and prior to January 1, 1988, each  
25 payment shall be in an amount equal to 22.5% of the taxpayer's  
26 actual liability for the month or 26.25% of the taxpayer's

1 liability for the same calendar month of the preceding year. If  
2 the month during which such tax liability is incurred begins on  
3 or after January 1, 1988, and prior to January 1, 1989, or  
4 begins on or after January 1, 1996, each payment shall be in an  
5 amount equal to 22.5% of the taxpayer's actual liability for  
6 the month or 25% of the taxpayer's liability for the same  
7 calendar month of the preceding year. If the month during which  
8 such tax liability is incurred begins on or after January 1,  
9 1989, and prior to January 1, 1996, each payment shall be in an  
10 amount equal to 22.5% of the taxpayer's actual liability for  
11 the month or 25% of the taxpayer's liability for the same  
12 calendar month of the preceding year or 100% of the taxpayer's  
13 actual liability for the quarter monthly reporting period. The  
14 amount of such quarter monthly payments shall be credited  
15 against the final tax liability of the taxpayer's return for  
16 that month. Before October 1, 2000, once applicable, the  
17 requirement of the making of quarter monthly payments to the  
18 Department by taxpayers having an average monthly tax liability  
19 of \$10,000 or more as determined in the manner provided above  
20 shall continue until such taxpayer's average monthly liability  
21 to the Department during the preceding 4 complete calendar  
22 quarters (excluding the month of highest liability and the  
23 month of lowest liability) is less than \$9,000, or until such  
24 taxpayer's average monthly liability to the Department as  
25 computed for each calendar quarter of the 4 preceding complete  
26 calendar quarter period is less than \$10,000. However, if a

1 taxpayer can show the Department that a substantial change in  
2 the taxpayer's business has occurred which causes the taxpayer  
3 to anticipate that his average monthly tax liability for the  
4 reasonably foreseeable future will fall below the \$10,000  
5 threshold stated above, then such taxpayer may petition the  
6 Department for a change in such taxpayer's reporting status. On  
7 and after October 1, 2000, once applicable, the requirement of  
8 the making of quarter monthly payments to the Department by  
9 taxpayers having an average monthly tax liability of \$20,000 or  
10 more as determined in the manner provided above shall continue  
11 until such taxpayer's average monthly liability to the  
12 Department during the preceding 4 complete calendar quarters  
13 (excluding the month of highest liability and the month of  
14 lowest liability) is less than \$19,000 or until such taxpayer's  
15 average monthly liability to the Department as computed for  
16 each calendar quarter of the 4 preceding complete calendar  
17 quarter period is less than \$20,000. However, if a taxpayer can  
18 show the Department that a substantial change in the taxpayer's  
19 business has occurred which causes the taxpayer to anticipate  
20 that his average monthly tax liability for the reasonably  
21 foreseeable future will fall below the \$20,000 threshold stated  
22 above, then such taxpayer may petition the Department for a  
23 change in such taxpayer's reporting status. The Department  
24 shall change such taxpayer's reporting status unless it finds  
25 that such change is seasonal in nature and not likely to be  
26 long term. If any such quarter monthly payment is not paid at



1 the time or in the amount required by this Section, then the  
2 taxpayer shall be liable for penalties and interest on the  
3 difference between the minimum amount due as a payment and the  
4 amount of such quarter monthly payment actually and timely  
5 paid, except insofar as the taxpayer has previously made  
6 payments for that month to the Department in excess of the  
7 minimum payments previously due as provided in this Section.  
8 The Department shall make reasonable rules and regulations to  
9 govern the quarter monthly payment amount and quarter monthly  
10 payment dates for taxpayers who file on other than a calendar  
11 monthly basis.

12 The provisions of this paragraph apply before October 1,  
13 2001. Without regard to whether a taxpayer is required to make  
14 quarter monthly payments as specified above, any taxpayer who  
15 is required by Section 2d of this Act to collect and remit  
16 prepaid taxes and has collected prepaid taxes which average in  
17 excess of \$25,000 per month during the preceding 2 complete  
18 calendar quarters, shall file a return with the Department as  
19 required by Section 2f and shall make payments to the  
20 Department on or before the 7th, 15th, 22nd and last day of the  
21 month during which such liability is incurred. If the month  
22 during which such tax liability is incurred began prior to  
23 September 1, 1985 (the effective date of Public Act 84-221),  
24 each payment shall be in an amount not less than 22.5% of the  
25 taxpayer's actual liability under Section 2d. If the month  
26 during which such tax liability is incurred begins on or after

1 January 1, 1986, each payment shall be in an amount equal to  
2 22.5% of the taxpayer's actual liability for the month or 27.5%  
3 of the taxpayer's liability for the same calendar month of the  
4 preceding calendar year. If the month during which such tax  
5 liability is incurred begins on or after January 1, 1987, each  
6 payment shall be in an amount equal to 22.5% of the taxpayer's  
7 actual liability for the month or 26.25% of the taxpayer's  
8 liability for the same calendar month of the preceding year.  
9 The amount of such quarter monthly payments shall be credited  
10 against the final tax liability of the taxpayer's return for  
11 that month filed under this Section or Section 2f, as the case  
12 may be. Once applicable, the requirement of the making of  
13 quarter monthly payments to the Department pursuant to this  
14 paragraph shall continue until such taxpayer's average monthly  
15 prepaid tax collections during the preceding 2 complete  
16 calendar quarters is \$25,000 or less. If any such quarter  
17 monthly payment is not paid at the time or in the amount  
18 required, the taxpayer shall be liable for penalties and  
19 interest on such difference, except insofar as the taxpayer has  
20 previously made payments for that month in excess of the  
21 minimum payments previously due.

22 The provisions of this paragraph apply on and after October  
23 1, 2001. Without regard to whether a taxpayer is required to  
24 make quarter monthly payments as specified above, any taxpayer  
25 who is required by Section 2d of this Act to collect and remit  
26 prepaid taxes and has collected prepaid taxes that average in

1 excess of \$20,000 per month during the preceding 4 complete  
2 calendar quarters shall file a return with the Department as  
3 required by Section 2f and shall make payments to the  
4 Department on or before the 7th, 15th, 22nd and last day of the  
5 month during which the liability is incurred. Each payment  
6 shall be in an amount equal to 22.5% of the taxpayer's actual  
7 liability for the month or 25% of the taxpayer's liability for  
8 the same calendar month of the preceding year. The amount of  
9 the quarter monthly payments shall be credited against the  
10 final tax liability of the taxpayer's return for that month  
11 filed under this Section or Section 2f, as the case may be.  
12 Once applicable, the requirement of the making of quarter  
13 monthly payments to the Department pursuant to this paragraph  
14 shall continue until the taxpayer's average monthly prepaid tax  
15 collections during the preceding 4 complete calendar quarters  
16 (excluding the month of highest liability and the month of  
17 lowest liability) is less than \$19,000 or until such taxpayer's  
18 average monthly liability to the Department as computed for  
19 each calendar quarter of the 4 preceding complete calendar  
20 quarters is less than \$20,000. If any such quarter monthly  
21 payment is not paid at the time or in the amount required, the  
22 taxpayer shall be liable for penalties and interest on such  
23 difference, except insofar as the taxpayer has previously made  
24 payments for that month in excess of the minimum payments  
25 previously due.

26 If any payment provided for in this Section exceeds the

1 taxpayer's liabilities under this Act, the Use Tax Act, the  
2 Service Occupation Tax Act and the Service Use Tax Act, as  
3 shown on an original monthly return, the Department shall, if  
4 requested by the taxpayer, issue to the taxpayer a credit  
5 memorandum no later than 30 days after the date of payment. The  
6 credit evidenced by such credit memorandum may be assigned by  
7 the taxpayer to a similar taxpayer under this Act, the Use Tax  
8 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
9 in accordance with reasonable rules and regulations to be  
10 prescribed by the Department. If no such request is made, the  
11 taxpayer may credit such excess payment against tax liability  
12 subsequently to be remitted to the Department under this Act,  
13 the Use Tax Act, the Service Occupation Tax Act or the Service  
14 Use Tax Act, in accordance with reasonable rules and  
15 regulations prescribed by the Department. If the Department  
16 subsequently determined that all or any part of the credit  
17 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
18 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
19 of the difference between the credit taken and that actually  
20 due, and that taxpayer shall be liable for penalties and  
21 interest on such difference.

22 If a retailer of motor fuel is entitled to a credit under  
23 Section 2d of this Act which exceeds the taxpayer's liability  
24 to the Department under this Act for the month which the  
25 taxpayer is filing a return, the Department shall issue the  
26 taxpayer a credit memorandum for the excess.

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the Local Government Tax Fund, a special fund in the  
3 State treasury which is hereby created, the net revenue  
4 realized for the preceding month from the 1% tax imposed under  
5 this Act.

6           Beginning January 1, 1990, each month the Department shall  
7 pay into the County and Mass Transit District Fund, a special  
8 fund in the State treasury which is hereby created, 4% of the  
9 net revenue realized for the preceding month from the 6.25%  
10 general rate other than aviation fuel sold on or after December  
11 1, 2019. This exception for aviation fuel only applies for so  
12 long as the revenue use requirements of 49 U.S.C. 47107(b) and  
13 49 U.S.C. 47133 are binding on the State.

14           Beginning August 1, 2000, each month the Department shall  
15 pay into the County and Mass Transit District Fund 20% of the  
16 net revenue realized for the preceding month from the 1.25%  
17 rate on the selling price of motor fuel and gasohol. Beginning  
18 September 1, 2010, each month the Department shall pay into the  
19 County and Mass Transit District Fund 20% of the net revenue  
20 realized for the preceding month from the 1.25% rate on the  
21 selling price of sales tax holiday items.

22           Beginning January 1, 1990, each month the Department shall  
23 pay into the Local Government Tax Fund 16% of the net revenue  
24 realized for the preceding month from the 6.25% general rate on  
25 the selling price of tangible personal property other than  
26 aviation fuel sold on or after December 1, 2019. This exception

1 for aviation fuel only applies for so long as the revenue use  
2 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
3 binding on the State.

4 For aviation fuel sold on or after December 1, 2019, each  
5 month the Department shall pay into the State Aviation Program  
6 Fund 20% of the net revenue realized for the preceding month  
7 from the 6.25% general rate on the selling price of aviation  
8 fuel, less an amount estimated by the Department to be required  
9 for refunds of the 20% portion of the tax on aviation fuel  
10 under this Act, which amount shall be deposited into the  
11 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
12 pay moneys into the State Aviation Program Fund and the  
13 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
14 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
15 U.S.C. 47133 are binding on the State.

16 Beginning August 1, 2000, each month the Department shall  
17 pay into the Local Government Tax Fund 80% of the net revenue  
18 realized for the preceding month from the 1.25% rate on the  
19 selling price of motor fuel and gasohol. Beginning September 1,  
20 2010, each month the Department shall pay into the Local  
21 Government Tax Fund 80% of the net revenue realized for the  
22 preceding month from the 1.25% rate on the selling price of  
23 sales tax holiday items.

24 Beginning October 1, 2009, each month the Department shall  
25 pay into the Capital Projects Fund an amount that is equal to  
26 an amount estimated by the Department to represent 80% of the

1 net revenue realized for the preceding month from the sale of  
2 candy, grooming and hygiene products, and soft drinks that had  
3 been taxed at a rate of 1% prior to September 1, 2009 but that  
4 are now taxed at 6.25%.

5 Beginning July 1, 2011, each month the Department shall pay  
6 into the Clean Air Act Permit Fund 80% of the net revenue  
7 realized for the preceding month from the 6.25% general rate on  
8 the selling price of sorbents used in Illinois in the process  
9 of sorbent injection as used to comply with the Environmental  
10 Protection Act or the federal Clean Air Act, but the total  
11 payment into the Clean Air Act Permit Fund under this Act and  
12 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

13 Beginning July 1, 2013, each month the Department shall pay  
14 into the Underground Storage Tank Fund from the proceeds  
15 collected under this Act, the Use Tax Act, the Service Use Tax  
16 Act, and the Service Occupation Tax Act an amount equal to the  
17 average monthly deficit in the Underground Storage Tank Fund  
18 during the prior year, as certified annually by the Illinois  
19 Environmental Protection Agency, but the total payment into the  
20 Underground Storage Tank Fund under this Act, the Use Tax Act,  
21 the Service Use Tax Act, and the Service Occupation Tax Act  
22 shall not exceed \$18,000,000 in any State fiscal year. As used  
23 in this paragraph, the "average monthly deficit" shall be equal  
24 to the difference between the average monthly claims for  
25 payment by the fund and the average monthly revenues deposited  
26 into the fund, excluding payments made pursuant to this

1 paragraph.

2 Beginning July 1, 2015, of the remainder of the moneys  
3 received by the Department under the Use Tax Act, the Service  
4 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
5 month the Department shall deposit \$500,000 into the State  
6 Crime Laboratory Fund.

7 Of the remainder of the moneys received by the Department  
8 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
9 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
10 and after July 1, 1989, 3.8% thereof shall be paid into the  
11 Build Illinois Fund; provided, however, that if in any fiscal  
12 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
13 may be, of the moneys received by the Department and required  
14 to be paid into the Build Illinois Fund pursuant to this Act,  
15 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
16 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
17 being hereinafter called the "Tax Acts" and such aggregate of  
18 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
19 called the "Tax Act Amount", and (2) the amount transferred to  
20 the Build Illinois Fund from the State and Local Sales Tax  
21 Reform Fund shall be less than the Annual Specified Amount (as  
22 hereinafter defined), an amount equal to the difference shall  
23 be immediately paid into the Build Illinois Fund from other  
24 moneys received by the Department pursuant to the Tax Acts; the  
25 "Annual Specified Amount" means the amounts specified below for  
26 fiscal years 1986 through 1993:



|   | Fiscal Year | Annual Specified Amount |
|---|-------------|-------------------------|
| 1 |             |                         |
| 2 | 1986        | \$54,800,000            |
| 3 | 1987        | \$76,650,000            |
| 4 | 1988        | \$80,480,000            |
| 5 | 1989        | \$88,510,000            |
| 6 | 1990        | \$115,330,000           |
| 7 | 1991        | \$145,470,000           |
| 8 | 1992        | \$182,730,000           |
| 9 | 1993        | \$206,520,000;          |

10 and means the Certified Annual Debt Service Requirement (as  
11 defined in Section 13 of the Build Illinois Bond Act) or the  
12 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
13 each fiscal year thereafter; and further provided, that if on  
14 the last business day of any month the sum of (1) the Tax Act  
15 Amount required to be deposited into the Build Illinois Bond  
16 Account in the Build Illinois Fund during such month and (2)  
17 the amount transferred to the Build Illinois Fund from the  
18 State and Local Sales Tax Reform Fund shall have been less than  
19 1/12 of the Annual Specified Amount, an amount equal to the  
20 difference shall be immediately paid into the Build Illinois  
21 Fund from other moneys received by the Department pursuant to  
22 the Tax Acts; and, further provided, that in no event shall the  
23 payments required under the preceding proviso result in  
24 aggregate payments into the Build Illinois Fund pursuant to  
25 this clause (b) for any fiscal year in excess of the greater of  
26 (i) the Tax Act Amount or (ii) the Annual Specified Amount for

1 such fiscal year. The amounts payable into the Build Illinois  
2 Fund under clause (b) of the first sentence in this paragraph  
3 shall be payable only until such time as the aggregate amount  
4 on deposit under each trust indenture securing Bonds issued and  
5 outstanding pursuant to the Build Illinois Bond Act is  
6 sufficient, taking into account any future investment income,  
7 to fully provide, in accordance with such indenture, for the  
8 defeasance of or the payment of the principal of, premium, if  
9 any, and interest on the Bonds secured by such indenture and on  
10 any Bonds expected to be issued thereafter and all fees and  
11 costs payable with respect thereto, all as certified by the  
12 Director of the Bureau of the Budget (now Governor's Office of  
13 Management and Budget). If on the last business day of any  
14 month in which Bonds are outstanding pursuant to the Build  
15 Illinois Bond Act, the aggregate of moneys deposited in the  
16 Build Illinois Bond Account in the Build Illinois Fund in such  
17 month shall be less than the amount required to be transferred  
18 in such month from the Build Illinois Bond Account to the Build  
19 Illinois Bond Retirement and Interest Fund pursuant to Section  
20 13 of the Build Illinois Bond Act, an amount equal to such  
21 deficiency shall be immediately paid from other moneys received  
22 by the Department pursuant to the Tax Acts to the Build  
23 Illinois Fund; provided, however, that any amounts paid to the  
24 Build Illinois Fund in any fiscal year pursuant to this  
25 sentence shall be deemed to constitute payments pursuant to  
26 clause (b) of the first sentence of this paragraph and shall

1 reduce the amount otherwise payable for such fiscal year  
 2 pursuant to that clause (b). The moneys received by the  
 3 Department pursuant to this Act and required to be deposited  
 4 into the Build Illinois Fund are subject to the pledge, claim  
 5 and charge set forth in Section 12 of the Build Illinois Bond  
 6 Act.

7 Subject to payment of amounts into the Build Illinois Fund  
 8 as provided in the preceding paragraph or in any amendment  
 9 thereto hereafter enacted, the following specified monthly  
 10 installment of the amount requested in the certificate of the  
 11 Chairman of the Metropolitan Pier and Exposition Authority  
 12 provided under Section 8.25f of the State Finance Act, but not  
 13 in excess of sums designated as "Total Deposit", shall be  
 14 deposited in the aggregate from collections under Section 9 of  
 15 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 16 9 of the Service Occupation Tax Act, and Section 3 of the  
 17 Retailers' Occupation Tax Act into the McCormick Place  
 18 Expansion Project Fund in the specified fiscal years.

|    | Fiscal Year | Total<br>Deposit |
|----|-------------|------------------|
| 20 | 1993        | \$0              |
| 21 | 1994        | 53,000,000       |
| 22 | 1995        | 58,000,000       |
| 23 | 1996        | 61,000,000       |
| 24 | 1997        | 64,000,000       |
| 25 | 1998        | 68,000,000       |

|    |      |             |
|----|------|-------------|
| 1  | 1999 | 71,000,000  |
| 2  | 2000 | 75,000,000  |
| 3  | 2001 | 80,000,000  |
| 4  | 2002 | 93,000,000  |
| 5  | 2003 | 99,000,000  |
| 6  | 2004 | 103,000,000 |
| 7  | 2005 | 108,000,000 |
| 8  | 2006 | 113,000,000 |
| 9  | 2007 | 119,000,000 |
| 10 | 2008 | 126,000,000 |
| 11 | 2009 | 132,000,000 |
| 12 | 2010 | 139,000,000 |
| 13 | 2011 | 146,000,000 |
| 14 | 2012 | 153,000,000 |
| 15 | 2013 | 161,000,000 |
| 16 | 2014 | 170,000,000 |
| 17 | 2015 | 179,000,000 |
| 18 | 2016 | 189,000,000 |
| 19 | 2017 | 199,000,000 |
| 20 | 2018 | 210,000,000 |
| 21 | 2019 | 221,000,000 |
| 22 | 2020 | 233,000,000 |
| 23 | 2021 | 246,000,000 |
| 24 | 2022 | 260,000,000 |
| 25 | 2023 | 275,000,000 |
| 26 | 2024 | 275,000,000 |

|   |      |             |
|---|------|-------------|
| 1 | 2025 | 275,000,000 |
| 2 | 2026 | 279,000,000 |
| 3 | 2027 | 292,000,000 |
| 4 | 2028 | 307,000,000 |
| 5 | 2029 | 322,000,000 |
| 6 | 2030 | 338,000,000 |
| 7 | 2031 | 350,000,000 |
| 8 | 2032 | 350,000,000 |

9 and

10 each fiscal year  
11 thereafter that bonds  
12 are outstanding under  
13 Section 13.2 of the  
14 Metropolitan Pier and  
15 Exposition Authority Act,  
16 but not after fiscal year 2060.

17 Beginning July 20, 1993 and in each month of each fiscal  
18 year thereafter, one-eighth of the amount requested in the  
19 certificate of the Chairman of the Metropolitan Pier and  
20 Exposition Authority for that fiscal year, less the amount  
21 deposited into the McCormick Place Expansion Project Fund by  
22 the State Treasurer in the respective month under subsection  
23 (g) of Section 13 of the Metropolitan Pier and Exposition  
24 Authority Act, plus cumulative deficiencies in the deposits  
25 required under this Section for previous months and years,  
26 shall be deposited into the McCormick Place Expansion Project

1 Fund, until the full amount requested for the fiscal year, but  
2 not in excess of the amount specified above as "Total Deposit",  
3 has been deposited.

4 Subject to payment of amounts into the Capital Projects  
5 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
6 and the McCormick Place Expansion Project Fund pursuant to the  
7 preceding paragraphs or in any amendments thereto hereafter  
8 enacted, for aviation fuel sold on or after December 1, 2019,  
9 the Department shall each month deposit into the Aviation Fuel  
10 Sales Tax Refund Fund an amount estimated by the Department to  
11 be required for refunds of the 80% portion of the tax on  
12 aviation fuel under this Act. The Department shall only deposit  
13 moneys into the Aviation Fuel Sales Tax Refund Fund under this  
14 paragraph for so long as the revenue use requirements of 49  
15 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

16 Subject to payment of amounts into the Build Illinois Fund  
17 and the McCormick Place Expansion Project Fund pursuant to the  
18 preceding paragraphs or in any amendments thereto hereafter  
19 enacted, beginning July 1, 1993 and ending on September 30,  
20 2013, the Department shall each month pay into the Illinois Tax  
21 Increment Fund 0.27% of 80% of the net revenue realized for the  
22 preceding month from the 6.25% general rate on the selling  
23 price of tangible personal property.

24 Subject to payment of amounts into the Build Illinois Fund  
25 and the McCormick Place Expansion Project Fund pursuant to the  
26 preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning with the receipt of the first report of  
2 taxes paid by an eligible business and continuing for a 25-year  
3 period, the Department shall each month pay into the Energy  
4 Infrastructure Fund 80% of the net revenue realized from the  
5 6.25% general rate on the selling price of Illinois-mined coal  
6 that was sold to an eligible business. For purposes of this  
7 paragraph, the term "eligible business" means a new electric  
8 generating facility certified pursuant to Section 605-332 of  
9 the Department of Commerce and Economic Opportunity Law of the  
10 Civil Administrative Code of Illinois.

11 Subject to payment of amounts into the Build Illinois Fund,  
12 the McCormick Place Expansion Project Fund, the Illinois Tax  
13 Increment Fund, and the Energy Infrastructure Fund pursuant to  
14 the preceding paragraphs or in any amendments to this Section  
15 hereafter enacted, beginning on the first day of the first  
16 calendar month to occur on or after August 26, 2014 (the  
17 effective date of Public Act 98-1098), each month, from the  
18 collections made under Section 9 of the Use Tax Act, Section 9  
19 of the Service Use Tax Act, Section 9 of the Service Occupation  
20 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
21 the Department shall pay into the Tax Compliance and  
22 Administration Fund, to be used, subject to appropriation, to  
23 fund additional auditors and compliance personnel at the  
24 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
25 the cash receipts collected during the preceding fiscal year by  
26 the Audit Bureau of the Department under the Use Tax Act, the

1 Service Use Tax Act, the Service Occupation Tax Act, the  
2 Retailers' Occupation Tax Act, and associated local occupation  
3 and use taxes administered by the Department.

4 Subject to payments of amounts into the Build Illinois  
5 Fund, the McCormick Place Expansion Project Fund, the Illinois  
6 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
7 Compliance and Administration Fund as provided in this Section,  
8 beginning on July 1, 2018 the Department shall pay each month  
9 into the Downstate Public Transportation Fund the moneys  
10 required to be so paid under Section 2-3 of the Downstate  
11 Public Transportation Act.

12 Subject to successful execution and delivery of a  
13 public-private agreement between the public agency and private  
14 entity and completion of the civic build, beginning on July 1,  
15 2023, of the remainder of the moneys received by the Department  
16 under the Use Tax Act, the Service Use Tax Act, the Service  
17 Occupation Tax Act, and this Act, the Department shall deposit  
18 the following specified deposits in the aggregate from  
19 collections under the Use Tax Act, the Service Use Tax Act, the  
20 Service Occupation Tax Act, and the Retailers' Occupation Tax  
21 Act, as required under Section 8.25g of the State Finance Act  
22 for distribution consistent with the Public-Private  
23 Partnership for Civic and Transit Infrastructure Project Act.  
24 The moneys received by the Department pursuant to this Act and  
25 required to be deposited into the Civic and Transit  
26 Infrastructure Fund are subject to the pledge, claim and charge



1 set forth in Section 25-55 of the Public-Private Partnership  
 2 for Civic and Transit Infrastructure Project Act. As used in  
 3 this paragraph, "civic build", "private entity",  
 4 "public-private agreement", and "public agency" have the  
 5 meanings provided in Section 25-10 of the Public-Private  
 6 Partnership for Civic and Transit Infrastructure Project Act.

| 7  | Fiscal Year..... | Total Deposit |
|----|------------------|---------------|
| 8  | 2024 .....       | \$200,000,000 |
| 9  | 2025 .....       | \$206,000,000 |
| 10 | 2026 .....       | \$212,200,000 |
| 11 | 2027 .....       | \$218,500,000 |
| 12 | 2028 .....       | \$225,100,000 |
| 13 | 2029 .....       | \$288,700,000 |
| 14 | 2030 .....       | \$298,900,000 |
| 15 | 2031 .....       | \$309,300,000 |
| 16 | 2032 .....       | \$320,100,000 |
| 17 | 2033 .....       | \$331,200,000 |
| 18 | 2034 .....       | \$341,200,000 |
| 19 | 2035 .....       | \$351,400,000 |
| 20 | 2036 .....       | \$361,900,000 |
| 21 | 2037 .....       | \$372,800,000 |
| 22 | 2038 .....       | \$384,000,000 |
| 23 | 2039 .....       | \$395,500,000 |
| 24 | 2040 .....       | \$407,400,000 |
| 25 | 2041 .....       | \$419,600,000 |
| 26 | 2042 .....       | \$432,200,000 |

1           2043 ..... \$445,100,000  
2       ~~Beginning July 1, 2021 and until July 1, 2022, subject to~~  
3 ~~the payment of amounts into the County and Mass Transit~~  
4 ~~District Fund, the Local Government Tax Fund, the Build~~  
5 ~~Illinois Fund, the McCormick Place Expansion Project Fund, the~~  
6 ~~Illinois Tax Increment Fund, the Energy Infrastructure Fund,~~  
7 ~~and the Tax Compliance and Administration Fund as provided in~~  
8 ~~this Section, the Department shall pay each month into the Road~~  
9 ~~Fund the amount estimated to represent 16% of the net revenue~~  
10 ~~realized from the taxes imposed on motor fuel and gasohol.~~  
11 ~~Beginning July 1, 2022 and until July 1, 2023, subject to the~~  
12 ~~payment of amounts into the County and Mass Transit District~~  
13 ~~Fund, the Local Government Tax Fund, the Build Illinois Fund,~~  
14 ~~the McCormick Place Expansion Project Fund, the Illinois Tax~~  
15 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
16 ~~Compliance and Administration Fund as provided in this Section,~~  
17 ~~the Department shall pay each month into the Road Fund the~~  
18 ~~amount estimated to represent 32% of the net revenue realized~~  
19 ~~from the taxes imposed on motor fuel and gasohol. Beginning~~  
20 ~~July 1, 2023 and until July 1, 2024, subject to the payment of~~  
21 ~~amounts into the County and Mass Transit District Fund, the~~  
22 ~~Local Government Tax Fund, the Build Illinois Fund, the~~  
23 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
24 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
25 ~~Compliance and Administration Fund as provided in this Section,~~  
26 ~~the Department shall pay each month into the Road Fund the~~

1 ~~amount estimated to represent 48% of the net revenue realized~~  
2 ~~from the taxes imposed on motor fuel and gasohol. Beginning~~  
3 ~~July 1, 2024 and until July 1, 2025, subject to the payment of~~  
4 ~~amounts into the County and Mass Transit District Fund, the~~  
5 ~~Local Government Tax Fund, the Build Illinois Fund, the~~  
6 ~~McCormick Place Expansion Project Fund, the Illinois Tax~~  
7 ~~Increment Fund, the Energy Infrastructure Fund, and the Tax~~  
8 ~~Compliance and Administration Fund as provided in this Section,~~  
9 ~~the Department shall pay each month into the Road Fund the~~  
10 ~~amount estimated to represent 64% of the net revenue realized~~  
11 ~~from the taxes imposed on motor fuel and gasohol. Beginning on~~  
12 ~~July 1, 2025, subject to the payment of amounts into the County~~  
13 ~~and Mass Transit District Fund, the Local Government Tax Fund,~~  
14 ~~the Build Illinois Fund, the McCormick Place Expansion Project~~  
15 ~~Fund, the Illinois Tax Increment Fund, the Energy~~  
16 ~~Infrastructure Fund, and the Tax Compliance and Administration~~  
17 ~~Fund as provided in this Section, the Department shall pay each~~  
18 ~~month into the Road Fund the amount estimated to represent 80%~~  
19 ~~of the net revenue realized from the taxes imposed on motor~~  
20 ~~fuel and gasohol. As used in this paragraph "motor fuel" has~~  
21 ~~the meaning given to that term in Section 1.1 of the Motor Fuel~~  
22 ~~Tax Act, and "gasohol" has the meaning given to that term in~~  
23 ~~Section 3-40 of the Use Tax Act.~~

24       Of the remainder of the moneys received by the Department  
25 pursuant to this Act, 75% thereof shall be paid into the State  
26 Treasury and 25% shall be reserved in a special account and

1 used only for the transfer to the Common School Fund as part of  
2 the monthly transfer from the General Revenue Fund in  
3 accordance with Section 8a of the State Finance Act.

4 The Department may, upon separate written notice to a  
5 taxpayer, require the taxpayer to prepare and file with the  
6 Department on a form prescribed by the Department within not  
7 less than 60 days after receipt of the notice an annual  
8 information return for the tax year specified in the notice.  
9 Such annual return to the Department shall include a statement  
10 of gross receipts as shown by the retailer's last Federal  
11 income tax return. If the total receipts of the business as  
12 reported in the Federal income tax return do not agree with the  
13 gross receipts reported to the Department of Revenue for the  
14 same period, the retailer shall attach to his annual return a  
15 schedule showing a reconciliation of the 2 amounts and the  
16 reasons for the difference. The retailer's annual return to the  
17 Department shall also disclose the cost of goods sold by the  
18 retailer during the year covered by such return, opening and  
19 closing inventories of such goods for such year, costs of goods  
20 used from stock or taken from stock and given away by the  
21 retailer during such year, payroll information of the  
22 retailer's business during such year and any additional  
23 reasonable information which the Department deems would be  
24 helpful in determining the accuracy of the monthly, quarterly  
25 or annual returns filed by such retailer as provided for in  
26 this Section.

1           If the annual information return required by this Section  
2 is not filed when and as required, the taxpayer shall be liable  
3 as follows:

4           (i) Until January 1, 1994, the taxpayer shall be liable  
5 for a penalty equal to 1/6 of 1% of the tax due from such  
6 taxpayer under this Act during the period to be covered by  
7 the annual return for each month or fraction of a month  
8 until such return is filed as required, the penalty to be  
9 assessed and collected in the same manner as any other  
10 penalty provided for in this Act.

11           (ii) On and after January 1, 1994, the taxpayer shall  
12 be liable for a penalty as described in Section 3-4 of the  
13 Uniform Penalty and Interest Act.

14           The chief executive officer, proprietor, owner or highest  
15 ranking manager shall sign the annual return to certify the  
16 accuracy of the information contained therein. Any person who  
17 willfully signs the annual return containing false or  
18 inaccurate information shall be guilty of perjury and punished  
19 accordingly. The annual return form prescribed by the  
20 Department shall include a warning that the person signing the  
21 return may be liable for perjury.

22           The provisions of this Section concerning the filing of an  
23 annual information return do not apply to a retailer who is not  
24 required to file an income tax return with the United States  
25 Government.

26           As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller  
2 shall order transferred and the Treasurer shall transfer from  
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
4 equal to 1.7% of 80% of the net revenue realized under this Act  
5 for the second preceding month. Beginning April 1, 2000, this  
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue  
8 collected by the State pursuant to this Act, less the amount  
9 paid out during that month as refunds to taxpayers for  
10 overpayment of liability.

11 For greater simplicity of administration, manufacturers,  
12 importers and wholesalers whose products are sold at retail in  
13 Illinois by numerous retailers, and who wish to do so, may  
14 assume the responsibility for accounting and paying to the  
15 Department all tax accruing under this Act with respect to such  
16 sales, if the retailers who are affected do not make written  
17 objection to the Department to this arrangement.

18 Any person who promotes, organizes, provides retail  
19 selling space for concessionaires or other types of sellers at  
20 the Illinois State Fair, DuQuoin State Fair, county fairs,  
21 local fairs, art shows, flea markets and similar exhibitions or  
22 events, including any transient merchant as defined by Section  
23 2 of the Transient Merchant Act of 1987, is required to file a  
24 report with the Department providing the name of the merchant's  
25 business, the name of the person or persons engaged in  
26 merchant's business, the permanent address and Illinois

1 Retailers Occupation Tax Registration Number of the merchant,  
2 the dates and location of the event and other reasonable  
3 information that the Department may require. The report must be  
4 filed not later than the 20th day of the month next following  
5 the month during which the event with retail sales was held.  
6 Any person who fails to file a report required by this Section  
7 commits a business offense and is subject to a fine not to  
8 exceed \$250.

9 Any person engaged in the business of selling tangible  
10 personal property at retail as a concessionaire or other type  
11 of seller at the Illinois State Fair, county fairs, art shows,  
12 flea markets and similar exhibitions or events, or any  
13 transient merchants, as defined by Section 2 of the Transient  
14 Merchant Act of 1987, may be required to make a daily report of  
15 the amount of such sales to the Department and to make a daily  
16 payment of the full amount of tax due. The Department shall  
17 impose this requirement when it finds that there is a  
18 significant risk of loss of revenue to the State at such an  
19 exhibition or event. Such a finding shall be based on evidence  
20 that a substantial number of concessionaires or other sellers  
21 who are not residents of Illinois will be engaging in the  
22 business of selling tangible personal property at retail at the  
23 exhibition or event, or other evidence of a significant risk of  
24 loss of revenue to the State. The Department shall notify  
25 concessionaires and other sellers affected by the imposition of  
26 this requirement. In the absence of notification by the

1 Department, the concessionaires and other sellers shall file  
2 their returns as otherwise required in this Section.

3 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;  
4 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article  
5 15, Section 15-25, eff. 6-5-19; 101-10, Article 25, Section  
6 25-120, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.  
7 6-28-19; 101-604, eff. 12-13-19.)

8 Section 15-30. The Motor Fuel Tax Law is amended by  
9 changing Sections 2 and 8 as follows:

10 (35 ILCS 505/2) (from Ch. 120, par. 418)

11 Sec. 2. A tax is imposed on the privilege of operating  
12 motor vehicles upon the public highways and recreational-type  
13 watercraft upon the waters of this State.

14 (a) Prior to August 1, 1989, the tax is imposed at the rate  
15 of 13 cents per gallon on all motor fuel used in motor vehicles  
16 operating on the public highways and recreational type  
17 watercraft operating upon the waters of this State. Beginning  
18 on August 1, 1989 and until January 1, 1990, the rate of the  
19 tax imposed in this paragraph shall be 16 cents per gallon.  
20 Beginning January 1, 1990 ~~and until July 1, 2019~~, the rate of  
21 tax imposed in this paragraph, including the tax on compressed  
22 natural gas, shall be 19 cents per gallon. ~~Beginning July 1,~~  
23 ~~2019, the rate of tax imposed in this paragraph shall be 38~~  
24 ~~cents per gallon and increased on July 1 of each subsequent~~



1 ~~year by an amount equal to the percentage increase, if any, in~~  
2 ~~the Consumer Price Index for All Urban Consumers for all items~~  
3 ~~published by the United States Department of Labor for the 12~~  
4 ~~months ending in March of each year. The rate shall be rounded~~  
5 ~~to the nearest one tenth of one cent.~~

6 (b) Until July 1, 2019, the tax on the privilege of  
7 operating motor vehicles which use diesel fuel, liquefied  
8 natural gas, or propane shall be the rate according to  
9 paragraph (a) plus an additional 2 1/2 cents per gallon.  
10 ~~Beginning July 1, 2019, the tax on the privilege of operating~~  
11 ~~motor vehicles which use diesel fuel, liquefied natural gas, or~~  
12 ~~propane shall be the rate according to subsection (a) plus an~~  
13 ~~additional 7.5 cents per gallon. "Diesel fuel" is defined as~~  
14 any product intended for use or offered for sale as a fuel for  
15 engines in which the fuel is injected into the combustion  
16 chamber and ignited by pressure without electric spark.

17 (c) A tax is imposed upon the privilege of engaging in the  
18 business of selling motor fuel as a retailer or reseller on all  
19 motor fuel used in motor vehicles operating on the public  
20 highways and recreational type watercraft operating upon the  
21 waters of this State: (1) at the rate of 3 cents per gallon on  
22 motor fuel owned or possessed by such retailer or reseller at  
23 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per  
24 gallon on motor fuel owned or possessed by such retailer or  
25 reseller at 12:01 A.M. on January 1, 1990.

26 Retailers and resellers who are subject to this additional

1 tax shall be required to inventory such motor fuel and pay this  
2 additional tax in a manner prescribed by the Department of  
3 Revenue.

4 The tax imposed in this paragraph (c) shall be in addition  
5 to all other taxes imposed by the State of Illinois or any unit  
6 of local government in this State.

7 (d) Except as provided in Section 2a, the collection of a  
8 tax based on gallonage of gasoline used for the propulsion of  
9 any aircraft is prohibited on and after October 1, 1979, and  
10 the collection of a tax based on gallonage of special fuel used  
11 for the propulsion of any aircraft is prohibited on and after  
12 December 1, 2019.

13 (e) The collection of a tax, based on gallonage of all  
14 products commonly or commercially known or sold as 1-K  
15 kerosene, regardless of its classification or uses, is  
16 prohibited (i) on and after July 1, 1992 until December 31,  
17 1999, except when the 1-K kerosene is either: (1) delivered  
18 into bulk storage facilities of a bulk user, or (2) delivered  
19 directly into the fuel supply tanks of motor vehicles and (ii)  
20 on and after January 1, 2000. Beginning on January 1, 2000, the  
21 collection of a tax, based on gallonage of all products  
22 commonly or commercially known or sold as 1-K kerosene,  
23 regardless of its classification or uses, is prohibited except  
24 when the 1-K kerosene is delivered directly into a storage tank  
25 that is located at a facility that has withdrawal facilities  
26 that are readily accessible to and are capable of dispensing

1 1-K kerosene into the fuel supply tanks of motor vehicles. For  
2 purposes of this subsection (e), a facility is considered to  
3 have withdrawal facilities that are not "readily accessible to  
4 and capable of dispensing 1-K kerosene into the fuel supply  
5 tanks of motor vehicles" only if the 1-K kerosene is delivered  
6 from: (i) a dispenser hose that is short enough so that it will  
7 not reach the fuel supply tank of a motor vehicle or (ii) a  
8 dispenser that is enclosed by a fence or other physical barrier  
9 so that a vehicle cannot pull alongside the dispenser to permit  
10 fueling.

11 Any person who sells or uses 1-K kerosene for use in motor  
12 vehicles upon which the tax imposed by this Law has not been  
13 paid shall be liable for any tax due on the sales or use of 1-K  
14 kerosene.

15 (Source: P.A. 100-9, eff. 7-1-17; 101-10, eff. 6-5-19; 101-32,  
16 eff. 6-28-19; 101-604, eff. 12-13-19.)

17 (35 ILCS 505/8) (from Ch. 120, par. 424)

18 Sec. 8. Except as provided in ~~subsection (a 1) of this~~  
19 ~~Section,~~ Section 8a, subdivision (h) (1) of Section 12a, Section  
20 13a.6, and items 13, 14, 15, and 16 of Section 15, all money  
21 received by the Department under this Act, including payments  
22 made to the Department by member jurisdictions participating in  
23 the International Fuel Tax Agreement, shall be deposited in a  
24 special fund in the State treasury, to be known as the "Motor  
25 Fuel Tax Fund", and shall be used as follows:

1           (a) 2 1/2 cents per gallon of the tax collected on special  
2 fuel under paragraph (b) of Section 2 and Section 13a of this  
3 Act shall be transferred to the State Construction Account Fund  
4 in the State Treasury; ~~the remainder of the tax collected on~~  
5 ~~special fuel under paragraph (b) of Section 2 and Section 13a~~  
6 ~~of this Act shall be deposited into the Road Fund;~~

7           ~~(a 1) Beginning on July 1, 2019, an amount equal to the~~  
8 ~~amount of tax collected under subsection (a) of Section 2 as a~~  
9 ~~result of the increase in the tax rate under this amendatory~~  
10 ~~Act of the 101st General Assembly shall be transferred each~~  
11 ~~month into the Transportation Renewal Fund.~~

12           (b) \$420,000 shall be transferred each month to the State  
13 Boating Act Fund to be used by the Department of Natural  
14 Resources for the purposes specified in Article X of the Boat  
15 Registration and Safety Act;

16           (c) \$3,500,000 shall be transferred each month to the Grade  
17 Crossing Protection Fund to be used as follows: not less than  
18 \$12,000,000 each fiscal year shall be used for the construction  
19 or reconstruction of rail highway grade separation structures;  
20 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
21 fiscal year 2010 and each fiscal year thereafter shall be  
22 transferred to the Transportation Regulatory Fund and shall be  
23 accounted for as part of the rail carrier portion of such funds  
24 and shall be used to pay the cost of administration of the  
25 Illinois Commerce Commission's railroad safety program in  
26 connection with its duties under subsection (3) of Section

1 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
2 used by the Department of Transportation upon order of the  
3 Illinois Commerce Commission, to pay that part of the cost  
4 apportioned by such Commission to the State to cover the  
5 interest of the public in the use of highways, roads, streets,  
6 or pedestrian walkways in the county highway system, township  
7 and district road system, or municipal street system as defined  
8 in the Illinois Highway Code, as the same may from time to time  
9 be amended, for separation of grades, for installation,  
10 construction or reconstruction of crossing protection or  
11 reconstruction, alteration, relocation including construction  
12 or improvement of any existing highway necessary for access to  
13 property or improvement of any grade crossing and grade  
14 crossing surface including the necessary highway approaches  
15 thereto of any railroad across the highway or public road, or  
16 for the installation, construction, reconstruction, or  
17 maintenance of a pedestrian walkway over or under a railroad  
18 right-of-way, as provided for in and in accordance with Section  
19 18c-7401 of the Illinois Vehicle Code. The Commission may order  
20 up to \$2,000,000 per year in Grade Crossing Protection Fund  
21 moneys for the improvement of grade crossing surfaces and up to  
22 \$300,000 per year for the maintenance and renewal of 4-quadrant  
23 gate vehicle detection systems located at non-high speed rail  
24 grade crossings. The Commission shall not order more than  
25 \$2,000,000 per year in Grade Crossing Protection Fund moneys  
26 for pedestrian walkways. In entering orders for projects for

1 which payments from the Grade Crossing Protection Fund will be  
2 made, the Commission shall account for expenditures authorized  
3 by the orders on a cash rather than an accrual basis. For  
4 purposes of this requirement an "accrual basis" assumes that  
5 the total cost of the project is expended in the fiscal year in  
6 which the order is entered, while a "cash basis" allocates the  
7 cost of the project among fiscal years as expenditures are  
8 actually made. To meet the requirements of this subsection, the  
9 Illinois Commerce Commission shall develop annual and 5-year  
10 project plans of rail crossing capital improvements that will  
11 be paid for with moneys from the Grade Crossing Protection  
12 Fund. The annual project plan shall identify projects for the  
13 succeeding fiscal year and the 5-year project plan shall  
14 identify projects for the 5 directly succeeding fiscal years.  
15 The Commission shall submit the annual and 5-year project plans  
16 for this Fund to the Governor, the President of the Senate, the  
17 Senate Minority Leader, the Speaker of the House of  
18 Representatives, and the Minority Leader of the House of  
19 Representatives on the first Wednesday in April of each year;

20 (d) of the amount remaining after allocations provided for  
21 in subsections (a), ~~(a-1)~~, (b), and (c), a sufficient amount  
22 shall be reserved to pay all of the following:

23 (1) the costs of the Department of Revenue in  
24 administering this Act;

25 (2) the costs of the Department of Transportation in  
26 performing its duties imposed by the Illinois Highway Code

1 for supervising the use of motor fuel tax funds apportioned  
2 to municipalities, counties and road districts;

3 (3) refunds provided for in Section 13, refunds for  
4 overpayment of decal fees paid under Section 13a.4 of this  
5 Act, and refunds provided for under the terms of the  
6 International Fuel Tax Agreement referenced in Section  
7 14a;

8 (4) from October 1, 1985 until June 30, 1994, the  
9 administration of the Vehicle Emissions Inspection Law,  
10 which amount shall be certified monthly by the  
11 Environmental Protection Agency to the State Comptroller  
12 and shall promptly be transferred by the State Comptroller  
13 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
14 Inspection Fund, and for the period July 1, 1994 through  
15 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
16 the period July 1, 2000 through June 30, 2003, one-twelfth  
17 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
18 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
19 July 1 and October 1, or as soon thereafter as may be  
20 practical, during the period July 1, 2004 through June 30,  
21 2012, and \$30,000,000 on June 1, 2013, or as soon  
22 thereafter as may be practical, and \$15,000,000 on July 1  
23 and October 1, or as soon thereafter as may be practical,  
24 during the period of July 1, 2013 through June 30, 2015,  
25 for the administration of the Vehicle Emissions Inspection  
26 Law of 2005, to be transferred by the State Comptroller and

1           Treasurer from the Motor Fuel Tax Fund into the Vehicle  
2           Inspection Fund;

3           (4.5) beginning on July 1, 2019, the costs of the  
4           Environmental Protection Agency for the administration of  
5           the Vehicle Emissions Inspection Law of 2005 shall be paid,  
6           subject to appropriation, from the Motor Fuel Tax Fund into  
7           the Vehicle Inspection Fund; beginning in 2019, no later  
8           than December 31 of each year, or as soon thereafter as  
9           practical, the State Comptroller shall direct and the State  
10          Treasurer shall transfer from the Vehicle Inspection Fund  
11          to the Motor Fuel Tax Fund any balance remaining in the  
12          Vehicle Inspection Fund in excess of \$2,000,000;

13          (5) amounts ordered paid by the Court of Claims; and

14          (6) payment of motor fuel use taxes due to member  
15          jurisdictions under the terms of the International Fuel Tax  
16          Agreement. The Department shall certify these amounts to  
17          the Comptroller by the 15th day of each month; the  
18          Comptroller shall cause orders to be drawn for such  
19          amounts, and the Treasurer shall administer those amounts  
20          on or before the last day of each month;

21          (e) after allocations for the purposes set forth in  
22          subsections (a), ~~(a-1)~~, (b), (c), and (d), the remaining amount  
23          shall be apportioned as follows:

24                  (1) Until January 1, 2000, 58.4%, and beginning January  
25                  1, 2000, 45.6% shall be deposited as follows:

26                          (A) 37% into the State Construction Account Fund,



1 and

2 (B) 63% into the Road Fund, \$1,250,000 of which  
3 shall be reserved each month for the Department of  
4 Transportation to be used in accordance with the  
5 provisions of Sections 6-901 through 6-906 of the  
6 Illinois Highway Code;

7 (2) Until January 1, 2000, 41.6%, and beginning January  
8 1, 2000, 54.4% shall be transferred to the Department of  
9 Transportation to be distributed as follows:

10 (A) 49.10% to the municipalities of the State,

11 (B) 16.74% to the counties of the State having  
12 1,000,000 or more inhabitants,

13 (C) 18.27% to the counties of the State having less  
14 than 1,000,000 inhabitants,

15 (D) 15.89% to the road districts of the State.

16 If a township is dissolved under Article 24 of the  
17 Township Code, McHenry County shall receive any moneys that  
18 would have been distributed to the township under this  
19 subparagraph, except that a municipality that assumes the  
20 powers and responsibilities of a road district under  
21 paragraph (6) of Section 24-35 of the Township Code shall  
22 receive any moneys that would have been distributed to the  
23 township in a percent equal to the area of the dissolved  
24 road district or portion of the dissolved road district  
25 over which the municipality assumed the powers and  
26 responsibilities compared to the total area of the

1 dissolved township. The moneys received under this  
2 subparagraph shall be used in the geographic area of the  
3 dissolved township. If a township is reconstituted as  
4 provided under Section 24-45 of the Township Code, McHenry  
5 County or a municipality shall no longer be distributed  
6 moneys under this subparagraph.

7 As soon as may be after the first day of each month, the  
8 Department of Transportation shall allot to each municipality  
9 its share of the amount apportioned to the several  
10 municipalities which shall be in proportion to the population  
11 of such municipalities as determined by the last preceding  
12 municipal census if conducted by the Federal Government or  
13 Federal census. If territory is annexed to any municipality  
14 subsequent to the time of the last preceding census the  
15 corporate authorities of such municipality may cause a census  
16 to be taken of such annexed territory and the population so  
17 ascertained for such territory shall be added to the population  
18 of the municipality as determined by the last preceding census  
19 for the purpose of determining the allotment for that  
20 municipality. If the population of any municipality was not  
21 determined by the last Federal census preceding any  
22 apportionment, the apportionment to such municipality shall be  
23 in accordance with any census taken by such municipality. Any  
24 municipal census used in accordance with this Section shall be  
25 certified to the Department of Transportation by the clerk of  
26 such municipality, and the accuracy thereof shall be subject to

1 approval of the Department which may make such corrections as  
2 it ascertains to be necessary.

3 As soon as may be after the first day of each month, the  
4 Department of Transportation shall allot to each county its  
5 share of the amount apportioned to the several counties of the  
6 State as herein provided. Each allotment to the several  
7 counties having less than 1,000,000 inhabitants shall be in  
8 proportion to the amount of motor vehicle license fees received  
9 from the residents of such counties, respectively, during the  
10 preceding calendar year. The Secretary of State shall, on or  
11 before April 15 of each year, transmit to the Department of  
12 Transportation a full and complete report showing the amount of  
13 motor vehicle license fees received from the residents of each  
14 county, respectively, during the preceding calendar year. The  
15 Department of Transportation shall, each month, use for  
16 allotment purposes the last such report received from the  
17 Secretary of State.

18 As soon as may be after the first day of each month, the  
19 Department of Transportation shall allot to the several  
20 counties their share of the amount apportioned for the use of  
21 road districts. The allotment shall be apportioned among the  
22 several counties in the State in the proportion which the total  
23 mileage of township or district roads in the respective  
24 counties bears to the total mileage of all township and  
25 district roads in the State. Funds allotted to the respective  
26 counties for the use of road districts therein shall be

1 allocated to the several road districts in the county in the  
2 proportion which the total mileage of such township or district  
3 roads in the respective road districts bears to the total  
4 mileage of all such township or district roads in the county.  
5 After July 1 of any year prior to 2011, no allocation shall be  
6 made for any road district unless it levied a tax for road and  
7 bridge purposes in an amount which will require the extension  
8 of such tax against the taxable property in any such road  
9 district at a rate of not less than either .08% of the value  
10 thereof, based upon the assessment for the year immediately  
11 prior to the year in which such tax was levied and as equalized  
12 by the Department of Revenue or, in DuPage County, an amount  
13 equal to or greater than \$12,000 per mile of road under the  
14 jurisdiction of the road district, whichever is less. Beginning  
15 July 1, 2011 and each July 1 thereafter, an allocation shall be  
16 made for any road district if it levied a tax for road and  
17 bridge purposes. In counties other than DuPage County, if the  
18 amount of the tax levy requires the extension of the tax  
19 against the taxable property in the road district at a rate  
20 that is less than 0.08% of the value thereof, based upon the  
21 assessment for the year immediately prior to the year in which  
22 the tax was levied and as equalized by the Department of  
23 Revenue, then the amount of the allocation for that road  
24 district shall be a percentage of the maximum allocation equal  
25 to the percentage obtained by dividing the rate extended by the  
26 district by 0.08%. In DuPage County, if the amount of the tax

1 levy requires the extension of the tax against the taxable  
2 property in the road district at a rate that is less than the  
3 lesser of (i) 0.08% of the value of the taxable property in the  
4 road district, based upon the assessment for the year  
5 immediately prior to the year in which such tax was levied and  
6 as equalized by the Department of Revenue, or (ii) a rate that  
7 will yield an amount equal to \$12,000 per mile of road under  
8 the jurisdiction of the road district, then the amount of the  
9 allocation for the road district shall be a percentage of the  
10 maximum allocation equal to the percentage obtained by dividing  
11 the rate extended by the district by the lesser of (i) 0.08% or  
12 (ii) the rate that will yield an amount equal to \$12,000 per  
13 mile of road under the jurisdiction of the road district.

14 Prior to 2011, if any road district has levied a special  
15 tax for road purposes pursuant to Sections 6-601, 6-602, and  
16 6-603 of the Illinois Highway Code, and such tax was levied in  
17 an amount which would require extension at a rate of not less  
18 than .08% of the value of the taxable property thereof, as  
19 equalized or assessed by the Department of Revenue, or, in  
20 DuPage County, an amount equal to or greater than \$12,000 per  
21 mile of road under the jurisdiction of the road district,  
22 whichever is less, such levy shall, however, be deemed a proper  
23 compliance with this Section and shall qualify such road  
24 district for an allotment under this Section. Beginning in 2011  
25 and thereafter, if any road district has levied a special tax  
26 for road purposes under Sections 6-601, 6-602, and 6-603 of the

1 Illinois Highway Code, and the tax was levied in an amount that  
2 would require extension at a rate of not less than 0.08% of the  
3 value of the taxable property of that road district, as  
4 equalized or assessed by the Department of Revenue or, in  
5 DuPage County, an amount equal to or greater than \$12,000 per  
6 mile of road under the jurisdiction of the road district,  
7 whichever is less, that levy shall be deemed a proper  
8 compliance with this Section and shall qualify such road  
9 district for a full, rather than proportionate, allotment under  
10 this Section. If the levy for the special tax is less than  
11 0.08% of the value of the taxable property, or, in DuPage  
12 County if the levy for the special tax is less than the lesser  
13 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
14 jurisdiction of the road district, and if the levy for the  
15 special tax is more than any other levy for road and bridge  
16 purposes, then the levy for the special tax qualifies the road  
17 district for a proportionate, rather than full, allotment under  
18 this Section. If the levy for the special tax is equal to or  
19 less than any other levy for road and bridge purposes, then any  
20 allotment under this Section shall be determined by the other  
21 levy for road and bridge purposes.

22 Prior to 2011, if a township has transferred to the road  
23 and bridge fund money which, when added to the amount of any  
24 tax levy of the road district would be the equivalent of a tax  
25 levy requiring extension at a rate of at least .08%, or, in  
26 DuPage County, an amount equal to or greater than \$12,000 per

1 mile of road under the jurisdiction of the road district,  
2 whichever is less, such transfer, together with any such tax  
3 levy, shall be deemed a proper compliance with this Section and  
4 shall qualify the road district for an allotment under this  
5 Section.

6 In counties in which a property tax extension limitation is  
7 imposed under the Property Tax Extension Limitation Law, road  
8 districts may retain their entitlement to a motor fuel tax  
9 allotment or, beginning in 2011, their entitlement to a full  
10 allotment if, at the time the property tax extension limitation  
11 was imposed, the road district was levying a road and bridge  
12 tax at a rate sufficient to entitle it to a motor fuel tax  
13 allotment and continues to levy the maximum allowable amount  
14 after the imposition of the property tax extension limitation.  
15 Any road district may in all circumstances retain its  
16 entitlement to a motor fuel tax allotment or, beginning in  
17 2011, its entitlement to a full allotment if it levied a road  
18 and bridge tax in an amount that will require the extension of  
19 the tax against the taxable property in the road district at a  
20 rate of not less than 0.08% of the assessed value of the  
21 property, based upon the assessment for the year immediately  
22 preceding the year in which the tax was levied and as equalized  
23 by the Department of Revenue or, in DuPage County, an amount  
24 equal to or greater than \$12,000 per mile of road under the  
25 jurisdiction of the road district, whichever is less.

26 As used in this Section, the term "road district" means any

1 road district, including a county unit road district, provided  
2 for by the Illinois Highway Code; and the term "township or  
3 district road" means any road in the township and district road  
4 system as defined in the Illinois Highway Code. For the  
5 purposes of this Section, "township or district road" also  
6 includes such roads as are maintained by park districts, forest  
7 preserve districts and conservation districts. The Department  
8 of Transportation shall determine the mileage of all township  
9 and district roads for the purposes of making allotments and  
10 allocations of motor fuel tax funds for use in road districts.

11 Payment of motor fuel tax moneys to municipalities and  
12 counties shall be made as soon as possible after the allotment  
13 is made. The treasurer of the municipality or county may invest  
14 these funds until their use is required and the interest earned  
15 by these investments shall be limited to the same uses as the  
16 principal funds.

17 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;  
18 101-493, eff. 8-23-19; revised 9-24-19.)

19 (35 ILCS 505/8b rep.)

20 Section 15-38. The Motor Fuel Tax Law is amended by  
21 repealing Section 8b, as added by Public Act 101-32.

22 (65 ILCS 5/8-11-2.3 rep.)

23 Section 15-40. The Illinois Municipal Code is amended by  
24 repealing Section 8-11-2.3, as added by Public Act 101-32.



1 Section 15-45. The Illinois Vehicle Code is amended by  
2 changing Sections 3-805, 3-806, 3-815, 3-815.1, 3-818, 3-819,  
3 and 3-821 as follows:

4 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

5 Sec. 3-805. Electric vehicles. ~~Until January 1, 2020, the~~  
6 The owner of a motor vehicle of the first division or a motor  
7 vehicle of the second division weighing 8,000 pounds or less  
8 propelled by an electric engine and not utilizing motor fuel,  
9 may register such vehicle for a fee not to exceed \$35 for a  
10 2-year registration period. The Secretary may, in his  
11 discretion, prescribe that electric vehicle registration  
12 plates be issued for an indefinite term, such term to  
13 correspond to the term of registration plates issued generally,  
14 as provided in Section 3-414.1. In no event may the  
15 registration fee for electric vehicles exceed \$18 per  
16 registration year. ~~Beginning on January 1, 2020, the~~  
17 ~~registration fee for these vehicles shall be equal to the fee~~  
18 ~~set forth in Section 3-806 for motor vehicles of the first~~  
19 ~~division, other than Autocycles, Motorcycles, Motor Driven~~  
20 ~~Cycles, and Pedalcycles. In addition to the registration fees,~~  
21 ~~the Secretary shall assess an additional \$100 per year in lieu~~  
22 ~~of the payment of motor fuel taxes. \$1 of the additional fees~~  
23 ~~shall be deposited into the Secretary of State Special Services~~  
24 ~~Fund and the remainder of the additional fees shall be~~

1 ~~deposited into the Road Fund.~~

2 (Source: P.A. 101-32, eff. 6-28-19.)

3 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

4 Sec. 3-806. Registration Fees; Motor Vehicles of the First  
 5 Division. Every owner of any other motor vehicle of the first  
 6 division, except as provided in Sections 3-804, 3-804.01,  
 7 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second  
 8 division vehicle weighing 8,000 pounds or less, shall pay the  
 9 Secretary of State an annual registration fee at the following  
 10 rates:

11 SCHEDULE OF REGISTRATION FEES

12 REQUIRED BY LAW

13 Beginning with the ~~2021~~ 2010 registration year

|   | Annual Fee                   |
|---|------------------------------|
| 14  |                              |
| 15 Motor vehicles of the first division other |                              |
| 16 than Autocycles, Motorcycles, Motor        |                              |
| 17 Driven Cycles and Pedalcycles              | <del>\$148</del> <u>\$98</u> |
| 18  |                              |
| 19 Autocycles                                 | 68                           |
| 20  |                              |
| 21 Motorcycles, Motor Driven                  |                              |
| 22 Cycles and Pedalcycles                     | 38                           |

23 A \$1 surcharge shall be collected in addition to the above  
 24 fees for motor vehicles of the first division, autocycles,

1 motorcycles, motor driven cycles, and pedalcycles to be  
2 deposited into the State Police Vehicle Fund.

3 All of the proceeds of the additional fees imposed by  
4 Public Act 96-34 shall be deposited into the Capital Projects  
5 Fund.

6 A \$2 surcharge shall be collected in addition to the above  
7 fees for motor vehicles of the first division, autocycles,  
8 motorcycles, motor driven cycles, and pedalcycles to be  
9 deposited into the Park and Conservation Fund for the  
10 Department of Natural Resources to use for conservation  
11 efforts. The monies deposited into the Park and Conservation  
12 Fund under this Section shall not be subject to administrative  
13 charges or chargebacks unless otherwise authorized by this Act.

14 ~~Of the fees collected for motor vehicles of the first~~  
15 ~~division other than Autocycles, Motorcycles, Motor Driven~~  
16 ~~Cycles, and Pedaleycles, \$1 of the fees shall be deposited into~~  
17 ~~the Secretary of State Special Services Fund and \$49 of the~~  
18 ~~fees shall be deposited into the Road Fund.~~

19 (Source: P.A. 101-32, eff. 6-28-19.)

20 (625 ILCS 5/3-815) (from Ch. 95 1/2, par. 3-815)

21 Sec. 3-815. Flat weight tax; vehicles of the second  
22 division.

23 (a) Except as provided in Section 3-806.3 and 3-804.3,  
24 every owner of a vehicle of the second division registered  
25 under Section 3-813, and not registered under the mileage

1 weight tax under Section 3-818, shall pay to the Secretary of  
 2 State, for each registration year, for the use of the public  
 3 highways, a flat weight tax at the rates set forth in the  
 4 following table, the rates including the \$10 registration fee:

5 SCHEDULE OF FLAT WEIGHT TAX

6 REQUIRED BY LAW

| 7 Gross Weight in Lbs.<br>8 Including Vehicle<br>9 and Maximum Load | Class | Total Fees<br>each Fiscal<br>year |
|---|-------|-----------------------------------|
| 10 8,000 lbs. and less  | B     | <del>\$148</del> <u>\$98</u>      |
| 11 8,001 lbs. to 10,000 lbs.  | C     | <del>218</del> <u>118</u>         |
| 12 10,001 lbs. to 12,000 lbs.                                       | D     | <del>238</del> <u>138</u>         |
| 13 12,001 lbs. to 16,000 lbs.                                       | F     | <del>342</del> <u>242</u>         |
| 14 16,001 lbs. to 26,000 lbs.                                       | H     | <del>590</del> <u>490</u>         |
| 15 26,001 lbs. to 28,000 lbs.                                       | J     | <del>730</del> <u>630</u>         |
| 16 28,001 lbs. to 32,000 lbs.                                       | K     | <del>942</del> <u>842</u>         |
| 17 32,001 lbs. to 36,000 lbs.                                       | L     | <del>1,082</del> <u>982</u>       |
| 18 36,001 lbs. to 40,000 lbs.                                       | N     | <del>1,302</del> <u>1,202</u>     |
| 19 40,001 lbs. to 45,000 lbs.                                       | P     | <del>1,490</del> <u>1,390</u>     |
| 20 45,001 lbs. to 50,000 lbs.                                       | Q     | <del>1,638</del> <u>1,538</u>     |
| 21 50,001 lbs. to 54,999 lbs.                                       | R     | <del>1,798</del> <u>1,698</u>     |
| 22 55,000 lbs. to 59,500 lbs.                                       | S     | <del>1,930</del> <u>1,830</u>     |
| 23 59,501 lbs. to 64,000 lbs.                                       | T     | <del>2,070</del> <u>1,970</u>     |
| 24 64,001 lbs. to 73,280 lbs.                                       | V     | <del>2,394</del> <u>2,294</u>     |
| 25 73,281 lbs. to 77,000 lbs.                                       | X     | <del>2,722</del> <u>2,622</u>     |
| 26 77,001 lbs. to 80,000 lbs.                                       | Z     | <del>2,890</del> <u>2,790</u>     |

1           Beginning with the 2010 registration year a \$1 surcharge  
2 shall be collected for vehicles registered in the 8,000 lbs.  
3 and less flat weight plate category above to be deposited into  
4 the State Police Vehicle Fund.

5           Beginning with the 2014 registration year, a \$2 surcharge  
6 shall be collected in addition to the above fees for vehicles  
7 registered in the 8,000 lb. and less flat weight plate category  
8 as described in this subsection (a) to be deposited into the  
9 Park and Conservation Fund for the Department of Natural  
10 Resources to use for conservation efforts. The monies deposited  
11 into the Park and Conservation Fund under this Section shall  
12 not be subject to administrative charges or chargebacks unless  
13 otherwise authorized by this Act.

14           ~~Of the fees collected under this subsection, \$1 of the fees~~  
15 ~~shall be deposited into the Secretary of State Special Services~~  
16 ~~Fund and \$99 of the fees shall be deposited into the Road Fund.~~

17           All of the proceeds of the additional fees imposed by  
18 ~~Public Act 96-34~~ this amendatory Act of the 96th General  
19 Assembly shall be deposited into the Capital Projects Fund.

20           (a-1) A Special Hauling Vehicle is a vehicle or combination  
21 of vehicles of the second division registered under Section  
22 3-813 transporting asphalt or concrete in the plastic state or  
23 a vehicle or combination of vehicles that are subject to the  
24 gross weight limitations in subsection (a) of Section 15-111  
25 for which the owner of the vehicle or combination of vehicles  
26 has elected to pay, in addition to the registration fee in

1 subsection (a), \$125 to the Secretary of State for each  
2 registration year. The Secretary shall designate this class of  
3 vehicle as a Special Hauling Vehicle.

4 (a-5) Beginning January 1, 2015, upon the request of the  
5 vehicle owner, a \$10 surcharge shall be collected in addition  
6 to the above fees for vehicles in the 12,000 lbs. and less flat  
7 weight plate categories as described in subsection (a) to be  
8 deposited into the Secretary of State Special License Plate  
9 Fund. The \$10 surcharge is to identify vehicles in the 12,000  
10 lbs. and less flat weight plate categories as a covered farm  
11 vehicle. The \$10 surcharge is an annual, flat fee that shall be  
12 based on an applicant's new or existing registration year for  
13 each vehicle in the 12,000 lbs. and less flat weight plate  
14 categories. A designation as a covered farm vehicle under this  
15 subsection (a-5) shall not alter a vehicle's registration as a  
16 registration in the 12,000 lbs. or less flat weight category.  
17 The Secretary shall adopt any rules necessary to implement this  
18 subsection (a-5).

19 (a-10) Beginning January 1, 2019, upon the request of the  
20 vehicle owner, the Secretary of State shall collect a \$10  
21 surcharge in addition to the fees for second division vehicles  
22 in the 8,000 lbs. and less flat weight plate category described  
23 in subsection (a) that are issued a registration plate under  
24 Article VI of this Chapter. The \$10 surcharge shall be  
25 deposited into the Secretary of State Special License Plate  
26 Fund. The \$10 surcharge is to identify a vehicle in the 8,000

1 lbs. and less flat weight plate category as a covered farm  
 2 vehicle. The \$10 surcharge is an annual, flat fee that shall be  
 3 based on an applicant's new or existing registration year for  
 4 each vehicle in the 8,000 lbs. and less flat weight plate  
 5 category. A designation as a covered farm vehicle under this  
 6 subsection (a-10) shall not alter a vehicle's registration in  
 7 the 8,000 lbs. or less flat weight category. The Secretary  
 8 shall adopt any rules necessary to implement this subsection  
 9 (a-10).

10 (b) Except as provided in Section 3-806.3, every camping  
 11 trailer, motor home, mini motor home, travel trailer, truck  
 12 camper or van camper used primarily for recreational purposes,  
 13 and not used commercially, nor for hire, nor owned by a  
 14 commercial business, may be registered for each registration  
 15 year upon the filing of a proper application and the payment of  
 16 a registration fee and highway use tax, according to the  
 17 following table of fees:

18 MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER

|    |                                   |               |
|----|-----------------------------------|---------------|
| 19 | Gross Weight in Lbs.              | Total Fees    |
| 20 | Including Vehicle and             | Each          |
| 21 | Maximum Load                      | Calendar Year |
| 22 | 8,000 lbs and less                | \$78          |
| 23 | 8,001 Lbs. to 10,000 Lbs          | 90            |
| 24 | 10,001 Lbs. and Over              | 102           |
| 25 | CAMPING TRAILER OR TRAVEL TRAILER |               |
| 26 | Gross Weight in Lbs.              | Total Fees    |

|   |                           |               |
|---|---------------------------|---------------|
| 1 | Including Vehicle and     | Each          |
| 2 | Maximum Load              | Calendar Year |
| 3 | 3,000 Lbs. and Less       | \$18          |
| 4 | 3,001 Lbs. to 8,000 Lbs.  | 30            |
| 5 | 8,001 Lbs. to 10,000 Lbs. | 38            |
| 6 | 10,001 Lbs. and Over      | 50            |

7 Every house trailer must be registered under Section 3-819.

8 (c) Farm Truck. Any truck used exclusively for the owner's  
 9 own agricultural, horticultural or livestock raising  
 10 operations and not-for-hire only, or any truck used only in the  
 11 transportation for-hire of seasonal, fresh, perishable fruit  
 12 or vegetables from farm to the point of first processing, may  
 13 be registered by the owner under this paragraph in lieu of  
 14 registration under paragraph (a), upon filing of a proper  
 15 application and the payment of the \$10 registration fee and the  
 16 highway use tax herein specified as follows:

17 SCHEDULE OF FEES AND TAXES

| 18 | Gross Weight in Lbs.  |       | Total Amount for              |
|----|-----------------------|-------|-------------------------------|
| 19 | Including Truck and   |       | each                          |
| 20 | Maximum Load          | Class | Fiscal Year                   |
| 21 | 16,000 lbs. or less   | VF    | <del>\$250</del> <u>\$150</u> |
| 22 | 16,001 to 20,000 lbs. | VG    | <del>326</del> <u>226</u>     |
| 23 | 20,001 to 24,000 lbs. | VH    | <del>390</del> <u>290</u>     |
| 24 | 24,001 to 28,000 lbs. | VJ    | <del>478</del> <u>378</u>     |
| 25 | 28,001 to 32,000 lbs. | VK    | <del>606</del> <u>506</u>     |
| 26 | 32,001 to 36,000 lbs. | VL    | <del>710</del> <u>610</u>     |



|   |                       |    |                               |
|---|-----------------------|----|-------------------------------|
| 1 | 36,001 to 45,000 lbs. | VP | <del>910</del> <u>810</u>     |
| 2 | 45,001 to 54,999 lbs. | VR | <del>1,126</del> <u>1,026</u> |
| 3 | 55,000 to 64,000 lbs. | VT | <del>1,302</del> <u>1,202</u> |
| 4 | 64,001 to 73,280 lbs. | VV | <del>1,390</del> <u>1,290</u> |
| 5 | 73,281 to 77,000 lbs. | VX | <del>1,450</del> <u>1,350</u> |
| 6 | 77,001 to 80,000 lbs. | VZ | <del>1,590</del> <u>1,490</u> |

7 ~~Of the fees collected under this subsection, \$1 of the fees~~  
8 ~~shall be deposited into the Secretary of State Special Services~~  
9 ~~Fund and \$99 of the fees shall be deposited into the Road Fund.~~

10 In the event the Secretary of State revokes a farm truck  
11 registration as authorized by law, the owner shall pay the flat  
12 weight tax due hereunder before operating such truck.

13 Any combination of vehicles having 5 axles, with a distance  
14 of 42 feet or less between extreme axles, that are subject to  
15 the weight limitations in subsection (a) of Section 15-111 for  
16 which the owner of the combination of vehicles has elected to  
17 pay, in addition to the registration fee in subsection (c),  
18 \$125 to the Secretary of State for each registration year shall  
19 be designated by the Secretary as a Special Hauling Vehicle.

20 (d) The number of axles necessary to carry the maximum load  
21 provided shall be determined from Chapter 15 of this Code.

22 (e) An owner may only apply for and receive 5 farm truck  
23 registrations, and only 2 of those 5 vehicles shall exceed  
24 59,500 gross weight in pounds per vehicle.

25 (f) Every person convicted of violating this Section by  
26 failure to pay the appropriate flat weight tax to the Secretary

1 of State as set forth in the above tables shall be punished as  
2 provided for in Section 3-401.

3 (Source: P.A. 101-32, eff. 6-28-19.)

4 (625 ILCS 5/3-815.1)

5 Sec. 3-815.1. Commercial distribution fee. Beginning July  
6 1, 2003, in addition to any tax or fee imposed under this Code:

7 (a) Vehicles of the second division with a gross  
8 vehicle weight that exceeds 8,000 pounds and that incur any  
9 tax or fee under subsection (a) of Section 3-815 of this  
10 Code or subsection (a) of Section 3-818 of this Code, as  
11 applicable, shall pay to the Secretary of State a  
12 commercial distribution fee, for each registration year,  
13 for the use of the public highways, State infrastructure,  
14 and State services, in an amount equal to: (i) for a  
15 registration year beginning on or after July 1, 2003 and  
16 before July 1, 2005, 36% of the taxes and fees incurred  
17 under subsection (a) of Section 3-815 of this Code, or  
18 subsection (a) of Section 3-818 of this Code, as  
19 applicable, rounded up to the nearest whole dollar; (ii)  
20 for a registration year beginning on or after July 1, 2005  
21 and before July 1, 2006, 21.5% of the taxes and fees  
22 incurred under subsection (a) of Section 3-815 of this  
23 Code, or subsection (a) of Section 3-818 of this Code, as  
24 applicable, rounded up to the nearest whole dollar; and  
25 (iii) for a registration year beginning on or after July 1,

1           2006, 14.35% of the taxes and fees incurred under  
2           subsection (a) of Section 3-815 of this Code, or subsection  
3           (a) of Section 3-818 of this Code, as applicable, rounded  
4           up to the nearest whole dollar.

5           (b) Until June 30, 2004, vehicles of the second  
6           division with a gross vehicle weight of 8,000 pounds or  
7           less and that incur any tax or fee under subsection (a) of  
8           Section 3-815 of this Code or subsection (a) of Section  
9           3-818 of this Code, as applicable, and have claimed the  
10          rolling stock exemption under the Retailers' Occupation  
11          Tax Act, Use Tax Act, Service Occupation Tax Act, or  
12          Service Use Tax Act shall pay to the Illinois Department of  
13          Revenue (or the Secretary of State under an  
14          intergovernmental agreement) a commercial distribution  
15          fee, for each registration year, for the use of the public  
16          highways, State infrastructure, and State services, in an  
17          amount equal to 36% of the taxes and fees incurred under  
18          subsection (a) of Section 3-815 of this Code or subsection  
19          (a) of Section 3-818 of this Code, as applicable, rounded  
20          up to the nearest whole dollar.

21          The fees paid under this Section shall be deposited by the  
22          Secretary of State into the General Revenue Fund.

23          ~~This Section is repealed on July 1, 2020.~~

24          (Source: P.A. 101-32, eff. 6-28-19.)

25                 (625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)

1           Sec. 3-818. Mileage weight tax option.

2           (a) Any owner of a vehicle of the second division may elect  
 3 to pay a mileage weight tax for such vehicle in lieu of the  
 4 flat weight tax set out in Section 3-815. Such election shall  
 5 be binding to the end of the registration year. Renewal of this  
 6 election must be filed with the Secretary of State on or before  
 7 July 1 of each registration period. In such event the owner  
 8 shall, at the time of making such election, pay the \$10  
 9 registration fee and the minimum guaranteed mileage weight tax,  
 10 as hereinafter provided, which payment shall permit the owner  
 11 to operate that vehicle the maximum mileage in this State  
 12 hereinafter set forth. Any vehicle being operated on mileage  
 13 plates cannot be operated outside of this State. In addition  
 14 thereto, the owner of that vehicle shall pay a mileage weight  
 15 tax at the following rates for each mile traveled in this State  
 16 in excess of the maximum mileage provided under the minimum  
 17 guaranteed basis:

18                           BUS, TRUCK OR TRUCK TRACTOR

|    |                       |       | Maximum                      | Mileage             |
|----|-----------------------|-------|------------------------------|---------------------|
|    |                       |       | Minimum                      | Weight Tax          |
|    |                       |       | Guaranteed                   | for Mileage         |
|    |                       |       | Permitted                    |                     |
|    |                       |       | Under                        | in excess of        |
|    |                       |       | Guaranteed                   | Guaranteed          |
|    |                       |       | Tax                          | Mileage             |
| 22 | Gross Weight          |       |                              |                     |
| 23 | Vehicle and           |       |                              |                     |
| 24 | Load                  | Class | Tax                          |                     |
| 25 | 12,000 lbs. or less   | MD    | <del>\$173</del> <u>\$73</u> | 5,000      26 Mills |
| 26 | 12,001 to 16,000 lbs. | MF    | <del>220</del> <u>120</u>    | 6,000      34 Mills |

|    |                       |    |                               |       |           |
|----|-----------------------|----|-------------------------------|-------|-----------|
| 1  | 16,001 to 20,000 lbs. | MG | <del>280</del> <u>180</u>     | 6,000 | 46 Mills  |
| 2  | 20,001 to 24,000 lbs. | MH | <del>335</del> <u>235</u>     | 6,000 | 63 Mills  |
| 3  | 24,001 to 28,000 lbs. | MJ | <del>415</del> <u>315</u>     | 7,000 | 63 Mills  |
| 4  | 28,001 to 32,000 lbs. | MK | <del>485</del> <u>385</u>     | 7,000 | 83 Mills  |
| 5  | 32,001 to 36,000 lbs. | ML | <del>585</del> <u>485</u>     | 7,000 | 99 Mills  |
| 6  | 36,001 to 40,000 lbs. | MN | <del>715</del> <u>615</u>     | 7,000 | 128 Mills |
| 7  | 40,001 to 45,000 lbs. | MP | <del>795</del> <u>695</u>     | 7,000 | 139 Mills |
| 8  | 45,001 to 54,999 lbs. | MR | <del>953</del> <u>853</u>     | 7,000 | 156 Mills |
| 9  | 55,000 to 59,500 lbs. | MS | <del>1,020</del> <u>920</u>   | 7,000 | 178 Mills |
| 10 | 59,501 to 64,000 lbs. | MT | <del>1,085</del> <u>985</u>   | 7,000 | 195 Mills |
| 11 | 64,001 to 73,280 lbs. | MV | <del>1,273</del> <u>1,173</u> | 7,000 | 225 Mills |
| 12 | 73,281 to 77,000 lbs. | MX | <del>1,428</del> <u>1,328</u> | 7,000 | 258 Mills |
| 13 | 77,001 to 80,000 lbs. | MZ | <del>1,515</del> <u>1,415</u> | 7,000 | 275 Mills |

TRAILER

|    |                       |       |                              | Maximum    | Mileage      |
|----|-----------------------|-------|------------------------------|------------|--------------|
|    |                       |       | Minimum                      | Mileage    | Weight Tax   |
|    |                       |       | Guaranteed                   | Permitted  | for Mileage  |
|    | Gross Weight          |       | Mileage                      | Under      | in excess of |
|    | Vehicle and           |       | Weight                       | Guaranteed | Guaranteed   |
|    | Load                  | Class | Tax                          | Tax        | Mileage      |
| 21 | 14,000 lbs. or less   | ME    | <del>\$175</del> <u>\$75</u> | 5,000      | 31 Mills     |
| 22 | 14,001 to 20,000 lbs. | MF    | <del>235</del> <u>135</u>    | 6,000      | 36 Mills     |
| 23 | 20,001 to 36,000 lbs. | ML    | <del>640</del> <u>540</u>    | 7,000      | 103 Mills    |
| 24 | 36,001 to 40,000 lbs. | MM    | <del>850</del> <u>750</u>    | 7,000      | 150 Mills    |

25 ~~Of the fees collected under this subsection, \$1 of the fees~~  
 26 ~~shall be deposited into the Secretary of State Special Services~~

1 ~~Fund and \$99 of the fees shall be deposited into the Road Fund.~~

2 (a-1) A Special Hauling Vehicle is a vehicle or combination  
3 of vehicles of the second division registered under Section  
4 3-813 transporting asphalt or concrete in the plastic state or  
5 a vehicle or combination of vehicles that are subject to the  
6 gross weight limitations in subsection (a) of Section 15-111  
7 for which the owner of the vehicle or combination of vehicles  
8 has elected to pay, in addition to the registration fee in  
9 subsection (a), \$125 to the Secretary of State for each  
10 registration year. The Secretary shall designate this class of  
11 vehicle as a Special Hauling Vehicle.

12 In preparing rate schedules on registration applications,  
13 the Secretary of State shall add to the above rates, the \$10  
14 registration fee. The Secretary may decline to accept any  
15 renewal filed after July 1st.

16 The number of axles necessary to carry the maximum load  
17 provided shall be determined from Chapter 15 of this Code.

18 Every owner of a second division motor vehicle for which he  
19 has elected to pay a mileage weight tax shall keep a daily  
20 record upon forms prescribed by the Secretary of State, showing  
21 the mileage covered by that vehicle in this State. Such record  
22 shall contain the license number of the vehicle and the miles  
23 traveled by the vehicle in this State for each day of the  
24 calendar month. Such owner shall also maintain records of fuel  
25 consumed by each such motor vehicle and fuel purchases  
26 therefor. On or before the 10th day of July the owner shall

1 certify to the Secretary of State upon forms prescribed  
2 therefor, summaries of his daily records which shall show the  
3 miles traveled by the vehicle in this State during the  
4 preceding 12 months and such other information as the Secretary  
5 of State may require. The daily record and fuel records shall  
6 be filed, preserved and available for audit for a period of 3  
7 years. Any owner filing a return hereunder shall certify that  
8 such return is a true, correct and complete return. Any person  
9 who willfully makes a false return hereunder is guilty of  
10 perjury and shall be punished in the same manner and to the  
11 same extent as is provided therefor.

12 At the time of filing his return, each owner shall pay to  
13 the Secretary of State the proper amount of tax at the rate  
14 herein imposed.

15 Every owner of a vehicle of the second division who elects  
16 to pay on a mileage weight tax basis and who operates the  
17 vehicle within this State, shall file with the Secretary of  
18 State a bond in the amount of \$500. The bond shall be in a form  
19 approved by the Secretary of State and with a surety company  
20 approved by the Illinois Department of Insurance to transact  
21 business in this State as surety, and shall be conditioned upon  
22 such applicant's paying to the State of Illinois all money  
23 becoming due by reason of the operation of the second division  
24 vehicle in this State, together with all penalties and interest  
25 thereon.

26 Upon notice from the Secretary that the registrant has

1 failed to pay the excess mileage fees, the surety shall  
2 immediately pay the fees together with any penalties and  
3 interest thereon in an amount not to exceed the limits of the  
4 bond.

5 (b) Beginning January 1, 2016, upon the request of the  
6 vehicle owner, a \$10 surcharge shall be collected in addition  
7 to the above fees for vehicles in the 12,000 lbs. and less  
8 mileage weight plate category as described in subsection (a) to  
9 be deposited into the Secretary of State Special License Plate  
10 Fund. The \$10 surcharge is to identify vehicles in the 12,000  
11 lbs. and less mileage weight plate category as a covered farm  
12 vehicle. The \$10 surcharge is an annual flat fee that shall be  
13 based on an applicant's new or existing registration year for  
14 each vehicle in the 12,000 lbs. and less mileage weight plate  
15 category. A designation as a covered farm vehicle under this  
16 subsection (b) shall not alter a vehicle's registration as a  
17 registration in the 12,000 lbs. or less mileage weight  
18 category. The Secretary shall adopt any rules necessary to  
19 implement this subsection (b).

20 (Source: P.A. 101-32, eff. 6-28-19.)

21 (625 ILCS 5/3-819) (from Ch. 95 1/2, par. 3-819)

22 Sec. 3-819. Trailer; Flat weight tax.

23 (a) Farm Trailer. Any farm trailer drawn by a motor vehicle  
24 of the second division registered under paragraph (a) or (c) of  
25 Section 3-815 and used exclusively by the owner for his own



1 agricultural, horticultural or livestock raising operations  
 2 and not used for hire, or any farm trailer utilized only in the  
 3 transportation for-hire of seasonal, fresh, perishable fruit  
 4 or vegetables from farm to the point of first processing, and  
 5 any trailer used with a farm tractor that is not an implement  
 6 of husbandry may be registered under this paragraph in lieu of  
 7 registration under paragraph (b) of this Section upon the  
 8 filing of a proper application and the payment of the \$10  
 9 registration fee and the highway use tax herein for use of the  
 10 public highways of this State, at the following rates which  
 11 include the \$10 registration fee:

12 SCHEDULE OF FEES AND TAXES

| 13 Gross Weight in Lbs.  | 14 Class | 15 Total Amount                 |
|--------------------------|----------|---------------------------------|
| 16 Including Vehicle     |          | 17 each                         |
| 18 and Maximum Load      |          | 19 Fiscal Year                  |
| 20 10,000 lbs. or less   | 21 VDD   | 22 <del>\$160</del> <u>\$60</u> |
| 23 10,001 to 14,000 lbs. | 24 VDE   | 25 <del>206</del> <u>106</u>    |
| 26 14,001 to 20,000 lbs. | 27 VDG   | 28 <del>266</del> <u>166</u>    |
| 29 20,001 to 28,000 lbs. | 30 VDJ   | 31 <del>478</del> <u>378</u>    |
| 32 28,001 to 36,000 lbs. | 33 VDL   | 34 <del>750</del> <u>650</u>    |

35 An owner may only apply for and receive two farm trailer  
 36 registrations.

37 (b) All other owners of trailers, other than apportionable  
 38 trailers registered under Section 3-402.1 of this Code, used  
 39 with a motor vehicle on the public highways, shall pay to the  
 40 Secretary of State for each registration year a flat weight

1 tax, for the use of the public highways of this State, at the  
 2 following rates (which includes the registration fee of \$10  
 3 required by Section 3-813):

4 SCHEDULE OF TRAILER FLAT

5 WEIGHT TAX REQUIRED

6 BY LAW

| 7 Gross Weight in Lbs.              | Total Fees                    |
|-------------------------------------|-------------------------------|
| 8 Including Vehicle and             | each                          |
| 9 Maximum Load                      | Fiscal Year                   |
| Class                               |                               |
| 10 3,000 lbs. and less              | <del>\$118</del> <u>\$18</u>  |
| 11 5,000 lbs. and more than 3,000   | <del>154</del> <u>54</u>      |
| 12 8,000 lbs. and more than 5,000   | <del>158</del> <u>58</u>      |
| 13 10,000 lbs. and more than 8,000  | <del>206</del> <u>106</u>     |
| 14 14,000 lbs. and more than 10,000 | <del>270</del> <u>170</u>     |
| 15 20,000 lbs. and more than 14,000 | <del>358</del> <u>258</u>     |
| 16 32,000 lbs. and more than 20,000 | <del>822</del> <u>722</u>     |
| 17 36,000 lbs. and more than 32,000 | <del>1,182</del> <u>1,082</u> |
| 18 40,000 lbs. and more than 36,000 | <del>1,602</del> <u>1,502</u> |

19 ~~Of the fees collected under this subsection, \$1 of the fees~~  
 20 ~~shall be deposited into the Secretary of State Special Services~~  
 21 ~~Fund and \$99 of the additional fees shall be deposited into the~~  
 22 ~~Road Fund.~~

23 (c) The number of axles necessary to carry the maximum load  
 24 provided shall be determined from Chapter 15 of this Code.

25 (Source: P.A. 101-32, eff. 6-28-19.)

1 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

2 Sec. 3-821. Miscellaneous registration and title fees.

3 (a) Except as provided under subsection (h), the fee to be  
4 paid to the Secretary of State for the following certificates,  
5 registrations or evidences of proper registration, or for  
6 corrected or duplicate documents shall be in accordance with  
7 the following schedule:

|    |   |       |
|----|---|-------|
| 8  | Certificate of Title, except for an all-terrain                 |       |
| 9  | vehicle or off-highway motorcycle, <del>prior to July 1,</del>  |       |
| 10 | <del>2019</del>   | \$95  |
| 11 | <del>Certificate of Title, except for an all-terrain</del>      |       |
| 12 | <del>vehicle, off-highway motorcycle, or motor home, mini</del> |       |
| 13 | <del>motor home or van camper, on and after July 1, 2019</del>  | \$150 |
| 14 | <del>Certificate of Title for a motor home, mini motor</del>    |       |
| 15 | <del>home, or van camper, on and after July 1, 2019</del>       | \$250 |
| 16 | Certificate of Title for an all-terrain vehicle                 |       |
| 17 | or off-highway motorcycle                                       | \$30  |
| 18 | Certificate of Title for an all-terrain vehicle                 |       |
| 19 | or off-highway motorcycle used for production                   |       |
| 20 | agriculture, or accepted by a dealer in trade                   | \$13  |
| 21 | Certificate of Title for a low-speed vehicle                    | \$30  |
| 22 | Transfer of Registration or any evidence of                     |       |
| 23 | proper registration   | \$25  |
| 24 | Duplicate Registration Card for plates or other                 |       |
| 25 | evidence of proper registration                                 | \$3   |
| 26 | Duplicate Registration Sticker or Stickers, each                | \$20  |

|    |  |                 |
|----|--|-----------------|
| 1  | Duplicate Certificate of Title, <del>prior to July 1,</del>  |                 |
| 2  | <del>2019</del>  | \$95            |
| 3  | <del>Duplicate Certificate of Title, on and after July</del> |                 |
| 4  | <del>1, 2019</del>   | <del>\$50</del> |
| 5  | Corrected Registration Card or Card for other                |                 |
| 6  | evidence of proper registration                              | \$3             |
| 7  | Corrected Certificate of Title                               | \$95            |
| 8  | Salvage Certificate, <del>prior to July 1, 2019</del>        | \$4             |
| 9  | <del>Salvage Certificate, on and after July 1, 2019</del>    | <del>\$20</del> |
| 10 | Fleet Reciprocity Permit                                     | \$15            |
| 11 | Prorate Decal  | \$1             |
| 12 | Prorate Backing Plate  | \$3             |
| 13 | Special Corrected Certificate of Title                       | \$15            |
| 14 | Expedited Title Service (to be charged in addition           |                 |
| 15 | to other applicable fees)                                    | \$30            |
| 16 | Dealer Lien Release Certificate of Title                     | \$20            |

17

18 A special corrected certificate of title shall be issued  
 19 (i) to remove a co-owner's name due to the death of the  
 20 co-owner, to transfer title to a spouse if the decedent-spouse  
 21 was the sole owner on the title, or due to a divorce; (ii) to  
 22 change a co-owner's name due to a marriage; or (iii) due to a  
 23 name change under Article XXI of the Code of Civil Procedure.

24 There shall be no fee paid for a Junking Certificate.

25 There shall be no fee paid for a certificate of title  
 26 issued to a county when the vehicle is forfeited to the county

1 under Article 36 of the Criminal Code of 2012.

2 (a-5) The Secretary of State may revoke a certificate of  
3 title and registration card and issue a corrected certificate  
4 of title and registration card, at no fee to the vehicle owner  
5 or lienholder, if there is proof that the vehicle  
6 identification number is erroneously shown on the original  
7 certificate of title.

8 (a-10) The Secretary of State may issue, in connection with  
9 the sale of a motor vehicle, a corrected title to a motor  
10 vehicle dealer upon application and submittal of a lien release  
11 letter from the lienholder listed in the files of the  
12 Secretary. In the case of a title issued by another state, the  
13 dealer must submit proof from the state that issued the last  
14 title. The corrected title, which shall be known as a dealer  
15 lien release certificate of title, shall be issued in the name  
16 of the vehicle owner without the named lienholder. If the motor  
17 vehicle is currently titled in a state other than Illinois, the  
18 applicant must submit either (i) a letter from the current  
19 lienholder releasing the lien and stating that the lienholder  
20 has possession of the title; or (ii) a letter from the current  
21 lienholder releasing the lien and a copy of the records of the  
22 department of motor vehicles for the state in which the vehicle  
23 is titled, showing that the vehicle is titled in the name of  
24 the applicant and that no liens are recorded other than the  
25 lien for which a release has been submitted. The fee for the  
26 dealer lien release certificate of title is \$20.

1           (b) The Secretary may prescribe the maximum service charge  
2 to be imposed upon an applicant for renewal of a registration  
3 by any person authorized by law to receive and remit or  
4 transmit to the Secretary such renewal application and fees  
5 therewith.

6           (c) If payment is delivered to the Office of the Secretary  
7 of State as payment of any fee or tax under this Code, and such  
8 payment is not honored for any reason, the registrant or other  
9 person tendering the payment remains liable for the payment of  
10 such fee or tax. The Secretary of State may assess a service  
11 charge of \$25 in addition to the fee or tax due and owing for  
12 all dishonored payments.

13           If the total amount then due and owing exceeds the sum of  
14 \$100 and has not been paid in full within 60 days from the date  
15 the dishonored payment was first delivered to the Secretary of  
16 State, the Secretary of State shall assess a penalty of 25% of  
17 such amount remaining unpaid.

18           All amounts payable under this Section shall be computed to  
19 the nearest dollar. Out of each fee collected for dishonored  
20 payments, \$5 shall be deposited in the Secretary of State  
21 Special Services Fund.

22           (d) The minimum fee and tax to be paid by any applicant for  
23 apportionment of a fleet of vehicles under this Code shall be  
24 \$15 if the application was filed on or before the date  
25 specified by the Secretary together with fees and taxes due. If  
26 an application and the fees or taxes due are filed after the

1 date specified by the Secretary, the Secretary may prescribe  
2 the payment of interest at the rate of 1/2 of 1% per month or  
3 fraction thereof after such due date and a minimum of \$8.

4 (e) Trucks, truck tractors, truck tractors with loads, and  
5 motor buses, any one of which having a combined total weight in  
6 excess of 12,000 lbs. shall file an application for a Fleet  
7 Reciprocity Permit issued by the Secretary of State. This  
8 permit shall be in the possession of any driver operating a  
9 vehicle on Illinois highways. Any foreign licensed vehicle of  
10 the second division operating at any time in Illinois without a  
11 Fleet Reciprocity Permit or other proper Illinois  
12 registration, shall subject the operator to the penalties  
13 provided in Section 3-834 of this Code. For the purposes of  
14 this Code, "Fleet Reciprocity Permit" means any second division  
15 motor vehicle with a foreign license and used only in  
16 interstate transportation of goods. The fee for such permit  
17 shall be \$15 per fleet which shall include all vehicles of the  
18 fleet being registered.

19 (f) For purposes of this Section, "all-terrain vehicle or  
20 off-highway motorcycle used for production agriculture" means  
21 any all-terrain vehicle or off-highway motorcycle used in the  
22 raising of or the propagation of livestock, crops for sale for  
23 human consumption, crops for livestock consumption, and  
24 production seed stock grown for the propagation of feed grains  
25 and the husbandry of animals or for the purpose of providing a  
26 food product, including the husbandry of blood stock as a main

1 source of providing a food product. "All-terrain vehicle or  
2 off-highway motorcycle used in production agriculture" also  
3 means any all-terrain vehicle or off-highway motorcycle used in  
4 animal husbandry, floriculture, aquaculture, horticulture, and  
5 viticulture.

6 (g) All of the proceeds of the additional fees imposed by  
7 Public Act 96-34 shall be deposited into the Capital Projects  
8 Fund.

9 (h) The fee for a duplicate registration sticker or  
10 stickers shall be the amount required under subsection (a) or  
11 the vehicle's annual registration fee amount, whichever is  
12 less.

13 ~~(i) All of the proceeds of the additional fees imposed by~~  
14 ~~this amendatory Act of the 101st General Assembly shall be~~  
15 ~~deposited into the Road Fund.~~

16 (Source: P.A. 100-956, eff. 1-1-19; 101-32, eff. 6-28-19;  
17 101-604, eff. 12-13-19.)

18 (30 ILCS 105/5.891 rep.)

19 (30 ILCS 105/5.893 rep.)

20 (30 ILCS 105/5.894 rep.)

21 Section 15-50. The State Finance Act is amended by  
22 repealing Sections 5.891, 5.893, and 5.894, all as added by  
23 Public Act 101-32.

24 Section 15-55. The Illinois Vehicle Code is amended by



1 changing Section 11-208.3 as follows:

2 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

3 (Text of Section before amendment by P.A. 101-623)

4 Sec. 11-208.3. Administrative adjudication of violations  
5 of traffic regulations concerning the standing, parking, or  
6 condition of vehicles, automated traffic law violations, and  
7 automated speed enforcement system violations.

8 (a) Any municipality or county may provide by ordinance for  
9 a system of administrative adjudication of vehicular standing  
10 and parking violations and vehicle compliance violations as  
11 described in this subsection, automated traffic law violations  
12 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and  
13 automated speed enforcement system violations as defined in  
14 Section 11-208.8. The administrative system shall have as its  
15 purpose the fair and efficient enforcement of municipal or  
16 county regulations through the administrative adjudication of  
17 automated speed enforcement system or automated traffic law  
18 violations and violations of municipal or county ordinances  
19 regulating the standing and parking of vehicles, the condition  
20 and use of vehicle equipment, and the display of municipal or  
21 county wheel tax licenses within the municipality's or county's  
22 borders. The administrative system shall only have authority to  
23 adjudicate civil offenses carrying fines not in excess of \$500  
24 or requiring the completion of a traffic education program, or  
25 both, that occur after the effective date of the ordinance

1 adopting such a system under this Section. For purposes of this  
2 Section, "compliance violation" means a violation of a  
3 municipal or county regulation governing the condition or use  
4 of equipment on a vehicle or governing the display of a  
5 municipal or county wheel tax license.

6 (b) Any ordinance establishing a system of administrative  
7 adjudication under this Section shall provide for:

8 (1) A traffic compliance administrator authorized to  
9 adopt, distribute, and process parking, compliance, and  
10 automated speed enforcement system or automated traffic  
11 law violation notices and other notices required by this  
12 Section, collect money paid as fines and penalties for  
13 violation of parking and compliance ordinances and  
14 automated speed enforcement system or automated traffic  
15 law violations, and operate an administrative adjudication  
16 system. The traffic compliance administrator also may make  
17 a certified report to the Secretary of State under Section  
18 6-306.5.

19 (2) A parking, standing, compliance, automated speed  
20 enforcement system, or automated traffic law violation  
21 notice that shall specify ~~or include~~ the date, time, and  
22 place of violation of a parking, standing, compliance,  
23 automated speed enforcement system, or automated traffic  
24 law regulation; the particular regulation violated; any  
25 requirement to complete a traffic education program; the  
26 fine and any penalty that may be assessed for late payment

1 or failure to complete a required traffic education  
2 program, or both, when so provided by ordinance; the  
3 vehicle make ~~or a photograph of the vehicle; the~~ and state  
4 registration number ~~of the vehicle;~~ and the identification  
5 number of the person issuing the notice. With regard to  
6 automated speed enforcement system or automated traffic  
7 law violations, vehicle make shall be specified on the  
8 automated speed enforcement system or automated traffic  
9 law violation notice if ~~the notice does not include a~~  
10 ~~photograph of the vehicle and~~ the make is available and  
11 readily discernible. With regard to municipalities or  
12 counties with a population of 1 million or more, it shall  
13 be grounds for dismissal of a parking violation if the  
14 state registration number or vehicle make specified is  
15 incorrect. The violation notice shall state that the  
16 completion of any required traffic education program, the  
17 payment of any indicated fine, and the payment of any  
18 applicable penalty for late payment or failure to complete  
19 a required traffic education program, or both, shall  
20 operate as a final disposition of the violation. The notice  
21 also shall contain information as to the availability of a  
22 hearing in which the violation may be contested on its  
23 merits. The violation notice shall specify the time and  
24 manner in which a hearing may be had.

25 (3) Service of ~~a~~ the parking, standing, or compliance  
26 violation notice by: ~~(i)~~ affixing the original or a

1 facsimile of the notice to an unlawfully parked ~~or standing~~  
2 vehicle, ~~or (ii)~~ by handing the notice to the operator of a  
3 vehicle if he or she is present; ~~or (iii) mailing the~~  
4 ~~notice to the address of the registered owner or lessee of~~  
5 ~~the cited vehicle as recorded with the Secretary of State~~  
6 ~~or the lessor of the motor vehicle within 30 days after the~~  
7 ~~Secretary of State or the lessor of the motor vehicle~~  
8 ~~notifies the municipality or county of the identity of the~~  
9 ~~owner or lessee of the vehicle, but not later than 90 days~~  
10 ~~after date of the violation, except that in the case of a~~  
11 ~~lessee of a motor vehicle, service of a parking, standing,~~  
12 ~~or compliance violation notice may occur no later than 210~~  
13 ~~days after the violation;~~ and service of an automated speed  
14 enforcement system or automated traffic law violation  
15 notice by mail to the address of the registered owner or  
16 lessee of the cited vehicle as recorded with the Secretary  
17 of State or the lessor of the motor vehicle within 30 days  
18 after the Secretary of State or the lessor of the motor  
19 vehicle notifies the municipality or county of the identity  
20 of the owner or lessee of the vehicle, but not later than  
21 90 days after the violation, except that in the case of a  
22 lessee of a motor vehicle, service of an automated traffic  
23 law violation notice may occur no later than 210 days after  
24 the violation. A person authorized by ordinance to issue  
25 and serve parking, standing, and compliance violation  
26 notices shall certify as to the correctness of the facts

1 entered on the violation notice by signing his or her name  
2 to the notice at the time of service or in the case of a  
3 notice produced by a computerized device, by signing a  
4 single certificate to be kept by the traffic compliance  
5 administrator attesting to the correctness of all notices  
6 produced by the device while it was under his or her  
7 control. In the case of an automated traffic law violation,  
8 the ordinance shall require a determination by a technician  
9 employed or contracted by the municipality or county that,  
10 based on inspection of recorded images, the motor vehicle  
11 was being operated in violation of Section 11-208.6,  
12 11-208.9, or 11-1201.1 or a local ordinance. If the  
13 technician determines that the vehicle entered the  
14 intersection as part of a funeral procession or in order to  
15 yield the right-of-way to an emergency vehicle, a citation  
16 shall not be issued. In municipalities with a population of  
17 less than 1,000,000 inhabitants and counties with a  
18 population of less than 3,000,000 inhabitants, the  
19 automated traffic law ordinance shall require that all  
20 determinations by a technician that a motor vehicle was  
21 being operated in violation of Section 11-208.6, 11-208.9,  
22 or 11-1201.1 or a local ordinance must be reviewed and  
23 approved by a law enforcement officer or retired law  
24 enforcement officer of the municipality or county issuing  
25 the violation. In municipalities with a population of  
26 1,000,000 or more inhabitants and counties with a

1 population of 3,000,000 or more inhabitants, the automated  
2 traffic law ordinance shall require that all  
3 determinations by a technician that a motor vehicle was  
4 being operated in violation of Section 11-208.6, 11-208.9,  
5 or 11-1201.1 or a local ordinance must be reviewed and  
6 approved by a law enforcement officer or retired law  
7 enforcement officer of the municipality or county issuing  
8 the violation or by an additional fully-trained reviewing  
9 technician who is not employed by the contractor who  
10 employs the technician who made the initial determination.  
11 In the case of an automated speed enforcement system  
12 violation, the ordinance shall require a determination by a  
13 technician employed by the municipality, based upon an  
14 inspection of recorded images, video or other  
15 documentation, including documentation of the speed limit  
16 and automated speed enforcement signage, and documentation  
17 of the inspection, calibration, and certification of the  
18 speed equipment, that the vehicle was being operated in  
19 violation of Article VI of Chapter 11 of this Code or a  
20 similar local ordinance. If the technician determines that  
21 the vehicle speed was not determined by a calibrated,  
22 certified speed equipment device based upon the speed  
23 equipment documentation, or if the vehicle was an emergency  
24 vehicle, a citation may not be issued. The automated speed  
25 enforcement ordinance shall require that all  
26 determinations by a technician that a violation occurred be

1 reviewed and approved by a law enforcement officer or  
2 retired law enforcement officer of the municipality  
3 issuing the violation or by an additional fully trained  
4 reviewing technician who is not employed by the contractor  
5 who employs the technician who made the initial  
6 determination. Routine and independent calibration of the  
7 speeds produced by automated speed enforcement systems and  
8 equipment shall be conducted annually by a qualified  
9 technician. Speeds produced by an automated speed  
10 enforcement system shall be compared with speeds produced  
11 by lidar or other independent equipment. Radar or lidar  
12 equipment shall undergo an internal validation test no less  
13 frequently than once each week. Qualified technicians  
14 shall test loop based equipment no less frequently than  
15 once a year. Radar equipment shall be checked for accuracy  
16 by a qualified technician when the unit is serviced, when  
17 unusual or suspect readings persist, or when deemed  
18 necessary by a reviewing technician. Radar equipment shall  
19 be checked with the internal frequency generator and the  
20 internal circuit test whenever the radar is turned on.  
21 Technicians must be alert for any unusual or suspect  
22 readings, and if unusual or suspect readings of a radar  
23 unit persist, that unit shall immediately be removed from  
24 service and not returned to service until it has been  
25 checked by a qualified technician and determined to be  
26 functioning properly. Documentation of the annual

1 calibration results, including the equipment tested, test  
2 date, technician performing the test, and test results,  
3 shall be maintained and available for use in the  
4 determination of an automated speed enforcement system  
5 violation and issuance of a citation. The technician  
6 performing the calibration and testing of the automated  
7 speed enforcement equipment shall be trained and certified  
8 in the use of equipment for speed enforcement purposes.  
9 Training on the speed enforcement equipment may be  
10 conducted by law enforcement, civilian, or manufacturer's  
11 personnel and if applicable may be equivalent to the  
12 equipment use and operations training included in the Speed  
13 Measuring Device Operator Program developed by the  
14 National Highway Traffic Safety Administration (NHTSA).  
15 The vendor or technician who performs the work shall keep  
16 accurate records on each piece of equipment the technician  
17 calibrates and tests. As used in this paragraph,  
18 "fully-trained reviewing technician" means a person who  
19 has received at least 40 hours of supervised training in  
20 subjects which shall include image inspection and  
21 interpretation, the elements necessary to prove a  
22 violation, license plate identification, and traffic  
23 safety and management. In all municipalities and counties,  
24 the automated speed enforcement system or automated  
25 traffic law ordinance shall require that no additional fee  
26 shall be charged to the alleged violator for exercising his



1 or her right to an administrative hearing, and persons  
2 shall be given at least 25 days following an administrative  
3 hearing to pay any civil penalty imposed by a finding that  
4 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a  
5 similar local ordinance has been violated. The original or  
6 a facsimile of the violation notice or, in the case of a  
7 notice produced by a computerized device, a printed record  
8 generated by the device showing the facts entered on the  
9 notice, shall be retained by the traffic compliance  
10 administrator, and shall be a record kept in the ordinary  
11 course of business. A parking, standing, compliance,  
12 automated speed enforcement system, or automated traffic  
13 law violation notice issued, signed and served in  
14 accordance with this Section, a copy of the notice, or the  
15 computer generated record shall be prima facie correct and  
16 shall be prima facie evidence of the correctness of the  
17 facts shown on the notice. The notice, copy, or computer  
18 generated record shall be admissible in any subsequent  
19 administrative or legal proceedings.

20 (4) An opportunity for a hearing for the registered  
21 owner of the vehicle cited in the parking, standing,  
22 compliance, automated speed enforcement system, or  
23 automated traffic law violation notice in which the owner  
24 may contest the merits of the alleged violation, and during  
25 which formal or technical rules of evidence shall not  
26 apply; provided, however, that under Section 11-1306 of

1           this Code the lessee of a vehicle cited in the violation  
2           notice likewise shall be provided an opportunity for a  
3           hearing of the same kind afforded the registered owner. The  
4           hearings shall be recorded, and the person conducting the  
5           hearing on behalf of the traffic compliance administrator  
6           shall be empowered to administer oaths and to secure by  
7           subpoena both the attendance and testimony of witnesses and  
8           the production of relevant books and papers. Persons  
9           appearing at a hearing under this Section may be  
10          represented by counsel at their expense. The ordinance may  
11          also provide for internal administrative review following  
12          the decision of the hearing officer.

13           (5) Service of additional notices, sent by first class  
14          United States mail, postage prepaid, to the address of the  
15          registered owner of the cited vehicle as recorded with the  
16          Secretary of State or, if any notice to that address is  
17          returned as undeliverable, to the last known address  
18          recorded in a United States Post Office approved database,  
19          or, under Section 11-1306 or subsection (p) of Section  
20          11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8  
21          of this Code, to the lessee of the cited vehicle at the  
22          last address known to the lessor of the cited vehicle at  
23          the time of lease or, if any notice to that address is  
24          returned as undeliverable, to the last known address  
25          recorded in a United States Post Office approved database.  
26          The service shall be deemed complete as of the date of

1 deposit in the United States mail. The notices shall be in  
2 the following sequence and shall include, but not be  
3 limited to, the information specified herein:

4 (i) A second notice of parking, standing, or  
5 compliance violation ~~if the first notice of the~~  
6 ~~violation was issued by affixing the original or a~~  
7 ~~facsimile of the notice to the unlawfully parked~~  
8 ~~vehicle or by handing the notice to the operator.~~ This  
9 notice shall specify ~~or include~~ the date and location  
10 of the violation cited in the parking, standing, or  
11 compliance violation notice, the particular regulation  
12 violated, the vehicle make ~~or a photograph of the~~  
13 ~~vehicle, the~~ and state registration number ~~of the~~  
14 ~~vehicle,~~ any requirement to complete a traffic  
15 education program, the fine and any penalty that may be  
16 assessed for late payment or failure to complete a  
17 traffic education program, or both, when so provided by  
18 ordinance, the availability of a hearing in which the  
19 violation may be contested on its merits, and the time  
20 and manner in which the hearing may be had. The notice  
21 of violation shall also state that failure to complete  
22 a required traffic education program, to pay the  
23 indicated fine and any applicable penalty, or to appear  
24 at a hearing on the merits in the time and manner  
25 specified, will result in a final determination of  
26 violation liability for the cited violation in the

1 amount of the fine or penalty indicated, and that, upon  
2 the occurrence of a final determination of violation  
3 liability for the failure, and the exhaustion of, or  
4 failure to exhaust, available administrative or  
5 judicial procedures for review, any incomplete traffic  
6 education program or any unpaid fine or penalty, or  
7 both, will constitute a debt due and owing the  
8 municipality or county.

9 (ii) A notice of final determination of parking,  
10 standing, compliance, automated speed enforcement  
11 system, or automated traffic law violation liability.  
12 This notice shall be sent following a final  
13 determination of parking, standing, compliance,  
14 automated speed enforcement system, or automated  
15 traffic law violation liability and the conclusion of  
16 judicial review procedures taken under this Section.  
17 The notice shall state that the incomplete traffic  
18 education program or the unpaid fine or penalty, or  
19 both, is a debt due and owing the municipality or  
20 county. The notice shall contain warnings that failure  
21 to complete any required traffic education program or  
22 to pay any fine or penalty due and owing the  
23 municipality or county, or both, within the time  
24 specified may result in the municipality's or county's  
25 filing of a petition in the Circuit Court to have the  
26 incomplete traffic education program or unpaid fine or

1 penalty, or both, rendered a judgment as provided by  
2 this Section, or may result in suspension of the  
3 person's driver's ~~drivers~~ license for failure to  
4 complete a traffic education program or to pay fines or  
5 penalties, or both, for 10 or more parking violations  
6 under Section 6-306.5, or a combination of 5 or more  
7 automated traffic law violations under Section  
8 11-208.6 or 11-208.9 or automated speed enforcement  
9 system violations under Section 11-208.8.

10 (6) A notice of impending driver's ~~drivers~~ license  
11 suspension. This notice shall be sent to the person liable  
12 for failure to complete a required traffic education  
13 program or to pay any fine or penalty that remains due and  
14 owing, or both, on 10 or more parking violations or  
15 combination of 5 or more unpaid automated speed enforcement  
16 system or automated traffic law violations. The notice  
17 shall state that failure to complete a required traffic  
18 education program or to pay the fine or penalty owing, or  
19 both, within 45 days of the notice's date will result in  
20 the municipality or county notifying the Secretary of State  
21 that the person is eligible for initiation of suspension  
22 proceedings under Section 6-306.5 of this Code. The notice  
23 shall also state that the person may obtain a photostatic  
24 copy of an original ticket imposing a fine or penalty by  
25 sending a self-addressed ~~self-addressed~~, stamped envelope  
26 to the municipality or county along with a request for the

1 photostatic copy. The notice of impending driver's ~~drivers~~  
2 license suspension shall be sent by first class United  
3 States mail, postage prepaid, to the address recorded with  
4 the Secretary of State or, if any notice to that address is  
5 returned as undeliverable, to the last known address  
6 recorded in a United States Post Office approved database.

7 (7) Final determinations of violation liability. A  
8 final determination of violation liability shall occur  
9 following failure to complete the required traffic  
10 education program or to pay the fine or penalty, or both,  
11 after a hearing officer's determination of violation  
12 liability and the exhaustion of or failure to exhaust any  
13 administrative review procedures provided by ordinance.  
14 Where a person fails to appear at a hearing to contest the  
15 alleged violation in the time and manner specified in a  
16 prior mailed notice, the hearing officer's determination  
17 of violation liability shall become final: (A) upon denial  
18 of a timely petition to set aside that determination, or  
19 (B) upon expiration of the period for filing the petition  
20 without a filing having been made.

21 (8) A petition to set aside a determination of parking,  
22 standing, compliance, automated speed enforcement system,  
23 or automated traffic law violation liability that may be  
24 filed by a person owing an unpaid fine or penalty. A  
25 petition to set aside a determination of liability may also  
26 be filed by a person required to complete a traffic

1 education program. The petition shall be filed with and  
2 ruled upon by the traffic compliance administrator in the  
3 manner and within the time specified by ordinance. The  
4 grounds for the petition may be limited to: (A) the person  
5 not having been the owner or lessee of the cited vehicle on  
6 the date the violation notice was issued, (B) the person  
7 having already completed the required traffic education  
8 program or paid the fine or penalty, or both, for the  
9 violation in question, and (C) excusable failure to appear  
10 at or request a new date for a hearing. With regard to  
11 municipalities or counties with a population of 1 million  
12 or more, it shall be grounds for dismissal of a parking  
13 violation if the state registration number or vehicle make,  
14 only if specified in the violation notice, is incorrect.  
15 After the determination of parking, standing, compliance,  
16 automated speed enforcement system, or automated traffic  
17 law violation liability has been set aside upon a showing  
18 of just cause, the registered owner shall be provided with  
19 a hearing on the merits for that violation.

20 (9) Procedures for non-residents. Procedures by which  
21 persons who are not residents of the municipality or county  
22 may contest the merits of the alleged violation without  
23 attending a hearing.

24 (10) A schedule of civil fines for violations of  
25 vehicular standing, parking, compliance, automated speed  
26 enforcement system, or automated traffic law regulations

1 enacted by ordinance pursuant to this Section, and a  
2 schedule of penalties for late payment of the fines or  
3 failure to complete required traffic education programs,  
4 provided, however, that the total amount of the fine and  
5 penalty for any one violation shall not exceed \$250, except  
6 as provided in subsection (c) of Section 11-1301.3 of this  
7 Code.

8 (11) Other provisions as are necessary and proper to  
9 carry into effect the powers granted and purposes stated in  
10 this Section.

11 (c) Any municipality or county establishing vehicular  
12 standing, parking, compliance, automated speed enforcement  
13 system, or automated traffic law regulations under this Section  
14 may also provide by ordinance for a program of vehicle  
15 immobilization for the purpose of facilitating enforcement of  
16 those regulations. The program of vehicle immobilization shall  
17 provide for immobilizing any eligible vehicle upon the public  
18 way by presence of a restraint in a manner to prevent operation  
19 of the vehicle. Any ordinance establishing a program of vehicle  
20 immobilization under this Section shall provide:

21 (1) Criteria for the designation of vehicles eligible  
22 for immobilization. A vehicle shall be eligible for  
23 immobilization when the registered owner of the vehicle has  
24 accumulated the number of incomplete traffic education  
25 programs or unpaid final determinations of parking,  
26 standing, compliance, automated speed enforcement system,



1 or automated traffic law violation liability, or both, as  
2 determined by ordinance.

3 (2) A notice of impending vehicle immobilization and a  
4 right to a hearing to challenge the validity of the notice  
5 by disproving liability for the incomplete traffic  
6 education programs or unpaid final determinations of  
7 parking, standing, compliance, automated speed enforcement  
8 system, or automated traffic law violation liability, or  
9 both, listed on the notice.

10 (3) The right to a prompt hearing after a vehicle has  
11 been immobilized or subsequently towed without the  
12 completion of the required traffic education program or  
13 payment of the outstanding fines and penalties on parking,  
14 standing, compliance, automated speed enforcement system,  
15 or automated traffic law violations, or both, for which  
16 final determinations have been issued. An order issued  
17 after the hearing is a final administrative decision within  
18 the meaning of Section 3-101 of the Code of Civil  
19 Procedure.

20 (4) A post immobilization and post-towing notice  
21 advising the registered owner of the vehicle of the right  
22 to a hearing to challenge the validity of the impoundment.

23 (d) Judicial review of final determinations of parking,  
24 standing, compliance, automated speed enforcement system, or  
25 automated traffic law violations and final administrative  
26 decisions issued after hearings regarding vehicle

1 immobilization and impoundment made under this Section shall be  
2 subject to the provisions of the Administrative Review Law.

3 (e) Any fine, penalty, incomplete traffic education  
4 program, or part of any fine or any penalty remaining unpaid  
5 after the exhaustion of, or the failure to exhaust,  
6 administrative remedies created under this Section and the  
7 conclusion of any judicial review procedures shall be a debt  
8 due and owing the municipality or county and, as such, may be  
9 collected in accordance with applicable law. Completion of any  
10 required traffic education program and payment in full of any  
11 fine or penalty resulting from a standing, parking, compliance,  
12 automated speed enforcement system, or automated traffic law  
13 violation shall constitute a final disposition of that  
14 violation.

15 (f) After the expiration of the period within which  
16 judicial review may be sought for a final determination of  
17 parking, standing, compliance, automated speed enforcement  
18 system, or automated traffic law violation, the municipality or  
19 county may commence a proceeding in the Circuit Court for  
20 purposes of obtaining a judgment on the final determination of  
21 violation. Nothing in this Section shall prevent a municipality  
22 or county from consolidating multiple final determinations of  
23 parking, standing, compliance, automated speed enforcement  
24 system, or automated traffic law violations against a person in  
25 a proceeding. Upon commencement of the action, the municipality  
26 or county shall file a certified copy or record of the final

1 determination of parking, standing, compliance, automated  
2 speed enforcement system, or automated traffic law violation,  
3 which shall be accompanied by a certification that recites  
4 facts sufficient to show that the final determination of  
5 violation was issued in accordance with this Section and the  
6 applicable municipal or county ordinance. Service of the  
7 summons and a copy of the petition may be by any method  
8 provided by Section 2-203 of the Code of Civil Procedure or by  
9 certified mail, return receipt requested, provided that the  
10 total amount of fines and penalties for final determinations of  
11 parking, standing, compliance, automated speed enforcement  
12 system, or automated traffic law violations does not exceed  
13 \$2500. If the court is satisfied that the final determination  
14 of parking, standing, compliance, automated speed enforcement  
15 system, or automated traffic law violation was entered in  
16 accordance with the requirements of this Section and the  
17 applicable municipal or county ordinance, and that the  
18 registered owner or the lessee, as the case may be, had an  
19 opportunity for an administrative hearing and for judicial  
20 review as provided in this Section, the court shall render  
21 judgment in favor of the municipality or county and against the  
22 registered owner or the lessee for the amount indicated in the  
23 final determination of parking, standing, compliance,  
24 automated speed enforcement system, or automated traffic law  
25 violation, plus costs. The judgment shall have the same effect  
26 and may be enforced in the same manner as other judgments for

1 the recovery of money.

2 (g) The fee for participating in a traffic education  
3 program under this Section shall not exceed \$25.

4 A low-income individual required to complete a traffic  
5 education program under this Section who provides proof of  
6 eligibility for the federal earned income tax credit under  
7 Section 32 of the Internal Revenue Code or the Illinois earned  
8 income tax credit under Section 212 of the Illinois Income Tax  
9 Act shall not be required to pay any fee for participating in a  
10 required traffic education program.

11 (Source: P.A. 101-32, eff. 6-28-19; revised 1-21-20.)

12 (Text of Section after amendment by P.A. 101-623)

13 Sec. 11-208.3. Administrative adjudication of violations  
14 of traffic regulations concerning the standing, parking, or  
15 condition of vehicles, automated traffic law violations, and  
16 automated speed enforcement system violations.

17 (a) Any municipality or county may provide by ordinance for  
18 a system of administrative adjudication of vehicular standing  
19 and parking violations and vehicle compliance violations as  
20 described in this subsection, automated traffic law violations  
21 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and  
22 automated speed enforcement system violations as defined in  
23 Section 11-208.8. The administrative system shall have as its  
24 purpose the fair and efficient enforcement of municipal or  
25 county regulations through the administrative adjudication of

1 automated speed enforcement system or automated traffic law  
2 violations and violations of municipal or county ordinances  
3 regulating the standing and parking of vehicles, the condition  
4 and use of vehicle equipment, and the display of municipal or  
5 county wheel tax licenses within the municipality's or county's  
6 borders. The administrative system shall only have authority to  
7 adjudicate civil offenses carrying fines not in excess of \$500  
8 or requiring the completion of a traffic education program, or  
9 both, that occur after the effective date of the ordinance  
10 adopting such a system under this Section. For purposes of this  
11 Section, "compliance violation" means a violation of a  
12 municipal or county regulation governing the condition or use  
13 of equipment on a vehicle or governing the display of a  
14 municipal or county wheel tax license.

15 (b) Any ordinance establishing a system of administrative  
16 adjudication under this Section shall provide for:

17 (1) A traffic compliance administrator authorized to  
18 adopt, distribute, and process parking, compliance, and  
19 automated speed enforcement system or automated traffic  
20 law violation notices and other notices required by this  
21 Section, collect money paid as fines and penalties for  
22 violation of parking and compliance ordinances and  
23 automated speed enforcement system or automated traffic  
24 law violations, and operate an administrative adjudication  
25 system. The traffic compliance administrator also may make  
26 a certified report to the Secretary of State under Section

1 6-306.5.

2 (2) A parking, standing, compliance, automated speed  
3 enforcement system, or automated traffic law violation  
4 notice that shall specify ~~or include~~ the date, time, and  
5 place of violation of a parking, standing, compliance,  
6 automated speed enforcement system, or automated traffic  
7 law regulation; the particular regulation violated; any  
8 requirement to complete a traffic education program; the  
9 fine and any penalty that may be assessed for late payment  
10 or failure to complete a required traffic education  
11 program, or both, when so provided by ordinance; the  
12 vehicle make ~~or a photograph of the vehicle; the~~ and state  
13 registration number ~~of the vehicle;~~ and the identification  
14 number of the person issuing the notice. With regard to  
15 automated speed enforcement system or automated traffic  
16 law violations, vehicle make shall be specified on the  
17 automated speed enforcement system or automated traffic  
18 law violation notice if ~~the notice does not include a~~  
19 ~~photograph of the vehicle and~~ the make is available and  
20 readily discernible. With regard to municipalities or  
21 counties with a population of 1 million or more, it shall  
22 be grounds for dismissal of a parking violation if the  
23 state registration number or vehicle make specified is  
24 incorrect. The violation notice shall state that the  
25 completion of any required traffic education program, the  
26 payment of any indicated fine, and the payment of any

1 applicable penalty for late payment or failure to complete  
2 a required traffic education program, or both, shall  
3 operate as a final disposition of the violation. The notice  
4 also shall contain information as to the availability of a  
5 hearing in which the violation may be contested on its  
6 merits. The violation notice shall specify the time and  
7 manner in which a hearing may be had.

8 (3) Service of ~~a~~ the parking, standing, or compliance  
9 violation notice by: ~~(i)~~ affixing the original or a  
10 facsimile of the notice to an unlawfully parked ~~or standing~~  
11 ~~vehicle,~~ or ~~(ii)~~ by handing the notice to the operator of a  
12 vehicle if he or she is present; ~~or (iii) mailing the~~  
13 ~~notice to the address of the registered owner or lessee of~~  
14 ~~the cited vehicle as recorded with the Secretary of State~~  
15 ~~or the lessor of the motor vehicle within 30 days after the~~  
16 ~~Secretary of State or the lessor of the motor vehicle~~  
17 ~~notifies the municipality or county of the identity of the~~  
18 ~~owner or lessee of the vehicle, but not later than 90 days~~  
19 ~~after date of the violation, except that in the case of a~~  
20 ~~lessee of a motor vehicle, service of a parking, standing,~~  
21 ~~or compliance violation notice may occur no later than 210~~  
22 ~~days after the violation;~~ and service of an automated speed  
23 enforcement system or automated traffic law violation  
24 notice by mail to the address of the registered owner or  
25 lessee of the cited vehicle as recorded with the Secretary  
26 of State or the lessor of the motor vehicle within 30 days

1 after the Secretary of State or the lessor of the motor  
2 vehicle notifies the municipality or county of the identity  
3 of the owner or lessee of the vehicle, but not later than  
4 90 days after the violation, except that in the case of a  
5 lessee of a motor vehicle, service of an automated traffic  
6 law violation notice may occur no later than 210 days after  
7 the violation. A person authorized by ordinance to issue  
8 and serve parking, standing, and compliance violation  
9 notices shall certify as to the correctness of the facts  
10 entered on the violation notice by signing his or her name  
11 to the notice at the time of service or in the case of a  
12 notice produced by a computerized device, by signing a  
13 single certificate to be kept by the traffic compliance  
14 administrator attesting to the correctness of all notices  
15 produced by the device while it was under his or her  
16 control. In the case of an automated traffic law violation,  
17 the ordinance shall require a determination by a technician  
18 employed or contracted by the municipality or county that,  
19 based on inspection of recorded images, the motor vehicle  
20 was being operated in violation of Section 11-208.6,  
21 11-208.9, or 11-1201.1 or a local ordinance. If the  
22 technician determines that the vehicle entered the  
23 intersection as part of a funeral procession or in order to  
24 yield the right-of-way to an emergency vehicle, a citation  
25 shall not be issued. In municipalities with a population of  
26 less than 1,000,000 inhabitants and counties with a



1 population of less than 3,000,000 inhabitants, the  
2 automated traffic law ordinance shall require that all  
3 determinations by a technician that a motor vehicle was  
4 being operated in violation of Section 11-208.6, 11-208.9,  
5 or 11-1201.1 or a local ordinance must be reviewed and  
6 approved by a law enforcement officer or retired law  
7 enforcement officer of the municipality or county issuing  
8 the violation. In municipalities with a population of  
9 1,000,000 or more inhabitants and counties with a  
10 population of 3,000,000 or more inhabitants, the automated  
11 traffic law ordinance shall require that all  
12 determinations by a technician that a motor vehicle was  
13 being operated in violation of Section 11-208.6, 11-208.9,  
14 or 11-1201.1 or a local ordinance must be reviewed and  
15 approved by a law enforcement officer or retired law  
16 enforcement officer of the municipality or county issuing  
17 the violation or by an additional fully-trained reviewing  
18 technician who is not employed by the contractor who  
19 employs the technician who made the initial determination.  
20 In the case of an automated speed enforcement system  
21 violation, the ordinance shall require a determination by a  
22 technician employed by the municipality, based upon an  
23 inspection of recorded images, video or other  
24 documentation, including documentation of the speed limit  
25 and automated speed enforcement signage, and documentation  
26 of the inspection, calibration, and certification of the

1 speed equipment, that the vehicle was being operated in  
2 violation of Article VI of Chapter 11 of this Code or a  
3 similar local ordinance. If the technician determines that  
4 the vehicle speed was not determined by a calibrated,  
5 certified speed equipment device based upon the speed  
6 equipment documentation, or if the vehicle was an emergency  
7 vehicle, a citation may not be issued. The automated speed  
8 enforcement ordinance shall require that all  
9 determinations by a technician that a violation occurred be  
10 reviewed and approved by a law enforcement officer or  
11 retired law enforcement officer of the municipality  
12 issuing the violation or by an additional fully trained  
13 reviewing technician who is not employed by the contractor  
14 who employs the technician who made the initial  
15 determination. Routine and independent calibration of the  
16 speeds produced by automated speed enforcement systems and  
17 equipment shall be conducted annually by a qualified  
18 technician. Speeds produced by an automated speed  
19 enforcement system shall be compared with speeds produced  
20 by lidar or other independent equipment. Radar or lidar  
21 equipment shall undergo an internal validation test no less  
22 frequently than once each week. Qualified technicians  
23 shall test loop based equipment no less frequently than  
24 once a year. Radar equipment shall be checked for accuracy  
25 by a qualified technician when the unit is serviced, when  
26 unusual or suspect readings persist, or when deemed

1 necessary by a reviewing technician. Radar equipment shall  
2 be checked with the internal frequency generator and the  
3 internal circuit test whenever the radar is turned on.  
4 Technicians must be alert for any unusual or suspect  
5 readings, and if unusual or suspect readings of a radar  
6 unit persist, that unit shall immediately be removed from  
7 service and not returned to service until it has been  
8 checked by a qualified technician and determined to be  
9 functioning properly. Documentation of the annual  
10 calibration results, including the equipment tested, test  
11 date, technician performing the test, and test results,  
12 shall be maintained and available for use in the  
13 determination of an automated speed enforcement system  
14 violation and issuance of a citation. The technician  
15 performing the calibration and testing of the automated  
16 speed enforcement equipment shall be trained and certified  
17 in the use of equipment for speed enforcement purposes.  
18 Training on the speed enforcement equipment may be  
19 conducted by law enforcement, civilian, or manufacturer's  
20 personnel and if applicable may be equivalent to the  
21 equipment use and operations training included in the Speed  
22 Measuring Device Operator Program developed by the  
23 National Highway Traffic Safety Administration (NHTSA).  
24 The vendor or technician who performs the work shall keep  
25 accurate records on each piece of equipment the technician  
26 calibrates and tests. As used in this paragraph,

1 "fully-trained reviewing technician" means a person who  
2 has received at least 40 hours of supervised training in  
3 subjects which shall include image inspection and  
4 interpretation, the elements necessary to prove a  
5 violation, license plate identification, and traffic  
6 safety and management. In all municipalities and counties,  
7 the automated speed enforcement system or automated  
8 traffic law ordinance shall require that no additional fee  
9 shall be charged to the alleged violator for exercising his  
10 or her right to an administrative hearing, and persons  
11 shall be given at least 25 days following an administrative  
12 hearing to pay any civil penalty imposed by a finding that  
13 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a  
14 similar local ordinance has been violated. The original or  
15 a facsimile of the violation notice or, in the case of a  
16 notice produced by a computerized device, a printed record  
17 generated by the device showing the facts entered on the  
18 notice, shall be retained by the traffic compliance  
19 administrator, and shall be a record kept in the ordinary  
20 course of business. A parking, standing, compliance,  
21 automated speed enforcement system, or automated traffic  
22 law violation notice issued, signed and served in  
23 accordance with this Section, a copy of the notice, or the  
24 computer generated record shall be prima facie correct and  
25 shall be prima facie evidence of the correctness of the  
26 facts shown on the notice. The notice, copy, or computer

1 generated record shall be admissible in any subsequent  
2 administrative or legal proceedings.

3 (4) An opportunity for a hearing for the registered  
4 owner of the vehicle cited in the parking, standing,  
5 compliance, automated speed enforcement system, or  
6 automated traffic law violation notice in which the owner  
7 may contest the merits of the alleged violation, and during  
8 which formal or technical rules of evidence shall not  
9 apply; provided, however, that under Section 11-1306 of  
10 this Code the lessee of a vehicle cited in the violation  
11 notice likewise shall be provided an opportunity for a  
12 hearing of the same kind afforded the registered owner. The  
13 hearings shall be recorded, and the person conducting the  
14 hearing on behalf of the traffic compliance administrator  
15 shall be empowered to administer oaths and to secure by  
16 subpoena both the attendance and testimony of witnesses and  
17 the production of relevant books and papers. Persons  
18 appearing at a hearing under this Section may be  
19 represented by counsel at their expense. The ordinance may  
20 also provide for internal administrative review following  
21 the decision of the hearing officer.

22 (5) Service of additional notices, sent by first class  
23 United States mail, postage prepaid, to the address of the  
24 registered owner of the cited vehicle as recorded with the  
25 Secretary of State or, if any notice to that address is  
26 returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database,  
2 or, under Section 11-1306 or subsection (p) of Section  
3 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8  
4 of this Code, to the lessee of the cited vehicle at the  
5 last address known to the lessor of the cited vehicle at  
6 the time of lease or, if any notice to that address is  
7 returned as undeliverable, to the last known address  
8 recorded in a United States Post Office approved database.  
9 The service shall be deemed complete as of the date of  
10 deposit in the United States mail. The notices shall be in  
11 the following sequence and shall include, but not be  
12 limited to the information specified herein:

13 (i) A second notice of parking, standing, or  
14 compliance violation ~~if the first notice of the~~  
15 ~~violation was issued by affixing the original or a~~  
16 ~~facsimile of the notice to the unlawfully parked~~  
17 ~~vehicle or by handing the notice to the operator.~~ This  
18 notice shall specify ~~or include~~ the date and location  
19 of the violation cited in the parking, standing, or  
20 compliance violation notice, the particular regulation  
21 violated, the vehicle make ~~or a photograph of the~~  
22 ~~vehicle, the~~ and state registration number ~~of the~~  
23 ~~vehicle,~~ any requirement to complete a traffic  
24 education program, the fine and any penalty that may be  
25 assessed for late payment or failure to complete a  
26 traffic education program, or both, when so provided by

1 ordinance, the availability of a hearing in which the  
2 violation may be contested on its merits, and the time  
3 and manner in which the hearing may be had. The notice  
4 of violation shall also state that failure to complete  
5 a required traffic education program, to pay the  
6 indicated fine and any applicable penalty, or to appear  
7 at a hearing on the merits in the time and manner  
8 specified, will result in a final determination of  
9 violation liability for the cited violation in the  
10 amount of the fine or penalty indicated, and that, upon  
11 the occurrence of a final determination of violation  
12 liability for the failure, and the exhaustion of, or  
13 failure to exhaust, available administrative or  
14 judicial procedures for review, any incomplete traffic  
15 education program or any unpaid fine or penalty, or  
16 both, will constitute a debt due and owing the  
17 municipality or county.

18 (ii) A notice of final determination of parking,  
19 standing, compliance, automated speed enforcement  
20 system, or automated traffic law violation liability.  
21 This notice shall be sent following a final  
22 determination of parking, standing, compliance,  
23 automated speed enforcement system, or automated  
24 traffic law violation liability and the conclusion of  
25 judicial review procedures taken under this Section.  
26 The notice shall state that the incomplete traffic

1 education program or the unpaid fine or penalty, or  
2 both, is a debt due and owing the municipality or  
3 county. The notice shall contain warnings that failure  
4 to complete any required traffic education program or  
5 to pay any fine or penalty due and owing the  
6 municipality or county, or both, within the time  
7 specified may result in the municipality's or county's  
8 filing of a petition in the Circuit Court to have the  
9 incomplete traffic education program or unpaid fine or  
10 penalty, or both, rendered a judgment as provided by  
11 this Section, or, where applicable, may result in  
12 suspension of the person's driver's ~~drivers~~ license  
13 for failure to complete a traffic education program or  
14 to pay fines or penalties, or both, for 5 or more  
15 automated traffic law violations under Section  
16 11-208.6 or 11-208.9 or automated speed enforcement  
17 system violations under Section 11-208.8.

18 (6) A notice of impending driver's ~~drivers~~ license  
19 suspension. This notice shall be sent to the person liable  
20 for failure to complete a required traffic education  
21 program or to pay any fine or penalty that remains due and  
22 owing, or both, on 5 or more unpaid automated speed  
23 enforcement system or automated traffic law violations.  
24 The notice shall state that failure to complete a required  
25 traffic education program or to pay the fine or penalty  
26 owing, or both, within 45 days of the notice's date will



1 result in the municipality or county notifying the  
2 Secretary of State that the person is eligible for  
3 initiation of suspension proceedings under Section 6-306.5  
4 of this Code. The notice shall also state that the person  
5 may obtain a photostatic copy of an original ticket  
6 imposing a fine or penalty by sending a self-addressed ~~self~~  
7 ~~addressed~~, stamped envelope to the municipality or county  
8 along with a request for the photostatic copy. The notice  
9 of impending driver's ~~drivers~~ license suspension shall be  
10 sent by first class United States mail, postage prepaid, to  
11 the address recorded with the Secretary of State or, if any  
12 notice to that address is returned as undeliverable, to the  
13 last known address recorded in a United States Post Office  
14 approved database.

15 (7) Final determinations of violation liability. A  
16 final determination of violation liability shall occur  
17 following failure to complete the required traffic  
18 education program or to pay the fine or penalty, or both,  
19 after a hearing officer's determination of violation  
20 liability and the exhaustion of or failure to exhaust any  
21 administrative review procedures provided by ordinance.  
22 Where a person fails to appear at a hearing to contest the  
23 alleged violation in the time and manner specified in a  
24 prior mailed notice, the hearing officer's determination  
25 of violation liability shall become final: (A) upon denial  
26 of a timely petition to set aside that determination, or

1 (B) upon expiration of the period for filing the petition  
2 without a filing having been made.

3 (8) A petition to set aside a determination of parking,  
4 standing, compliance, automated speed enforcement system,  
5 or automated traffic law violation liability that may be  
6 filed by a person owing an unpaid fine or penalty. A  
7 petition to set aside a determination of liability may also  
8 be filed by a person required to complete a traffic  
9 education program. The petition shall be filed with and  
10 ruled upon by the traffic compliance administrator in the  
11 manner and within the time specified by ordinance. The  
12 grounds for the petition may be limited to: (A) the person  
13 not having been the owner or lessee of the cited vehicle on  
14 the date the violation notice was issued, (B) the person  
15 having already completed the required traffic education  
16 program or paid the fine or penalty, or both, for the  
17 violation in question, and (C) excusable failure to appear  
18 at or request a new date for a hearing. With regard to  
19 municipalities or counties with a population of 1 million  
20 or more, it shall be grounds for dismissal of a parking  
21 violation if the state registration number or vehicle make,  
22 only if specified in the violation notice, is incorrect.  
23 After the determination of parking, standing, compliance,  
24 automated speed enforcement system, or automated traffic  
25 law violation liability has been set aside upon a showing  
26 of just cause, the registered owner shall be provided with

1 a hearing on the merits for that violation.

2 (9) Procedures for non-residents. Procedures by which  
3 persons who are not residents of the municipality or county  
4 may contest the merits of the alleged violation without  
5 attending a hearing.

6 (10) A schedule of civil fines for violations of  
7 vehicular standing, parking, compliance, automated speed  
8 enforcement system, or automated traffic law regulations  
9 enacted by ordinance pursuant to this Section, and a  
10 schedule of penalties for late payment of the fines or  
11 failure to complete required traffic education programs,  
12 provided, however, that the total amount of the fine and  
13 penalty for any one violation shall not exceed \$250, except  
14 as provided in subsection (c) of Section 11-1301.3 of this  
15 Code.

16 (11) Other provisions as are necessary and proper to  
17 carry into effect the powers granted and purposes stated in  
18 this Section.

19 (c) Any municipality or county establishing vehicular  
20 standing, parking, compliance, automated speed enforcement  
21 system, or automated traffic law regulations under this Section  
22 may also provide by ordinance for a program of vehicle  
23 immobilization for the purpose of facilitating enforcement of  
24 those regulations. The program of vehicle immobilization shall  
25 provide for immobilizing any eligible vehicle upon the public  
26 way by presence of a restraint in a manner to prevent operation

1 of the vehicle. Any ordinance establishing a program of vehicle  
2 immobilization under this Section shall provide:

3 (1) Criteria for the designation of vehicles eligible  
4 for immobilization. A vehicle shall be eligible for  
5 immobilization when the registered owner of the vehicle has  
6 accumulated the number of incomplete traffic education  
7 programs or unpaid final determinations of parking,  
8 standing, compliance, automated speed enforcement system,  
9 or automated traffic law violation liability, or both, as  
10 determined by ordinance.

11 (2) A notice of impending vehicle immobilization and a  
12 right to a hearing to challenge the validity of the notice  
13 by disproving liability for the incomplete traffic  
14 education programs or unpaid final determinations of  
15 parking, standing, compliance, automated speed enforcement  
16 system, or automated traffic law violation liability, or  
17 both, listed on the notice.

18 (3) The right to a prompt hearing after a vehicle has  
19 been immobilized or subsequently towed without the  
20 completion of the required traffic education program or  
21 payment of the outstanding fines and penalties on parking,  
22 standing, compliance, automated speed enforcement system,  
23 or automated traffic law violations, or both, for which  
24 final determinations have been issued. An order issued  
25 after the hearing is a final administrative decision within  
26 the meaning of Section 3-101 of the Code of Civil

1 Procedure.

2 (4) A post immobilization and post-towing notice  
3 advising the registered owner of the vehicle of the right  
4 to a hearing to challenge the validity of the impoundment.

5 (d) Judicial review of final determinations of parking,  
6 standing, compliance, automated speed enforcement system, or  
7 automated traffic law violations and final administrative  
8 decisions issued after hearings regarding vehicle  
9 immobilization and impoundment made under this Section shall be  
10 subject to the provisions of the Administrative Review Law.

11 (e) Any fine, penalty, incomplete traffic education  
12 program, or part of any fine or any penalty remaining unpaid  
13 after the exhaustion of, or the failure to exhaust,  
14 administrative remedies created under this Section and the  
15 conclusion of any judicial review procedures shall be a debt  
16 due and owing the municipality or county and, as such, may be  
17 collected in accordance with applicable law. Completion of any  
18 required traffic education program and payment in full of any  
19 fine or penalty resulting from a standing, parking, compliance,  
20 automated speed enforcement system, or automated traffic law  
21 violation shall constitute a final disposition of that  
22 violation.

23 (f) After the expiration of the period within which  
24 judicial review may be sought for a final determination of  
25 parking, standing, compliance, automated speed enforcement  
26 system, or automated traffic law violation, the municipality or

1 county may commence a proceeding in the Circuit Court for  
2 purposes of obtaining a judgment on the final determination of  
3 violation. Nothing in this Section shall prevent a municipality  
4 or county from consolidating multiple final determinations of  
5 parking, standing, compliance, automated speed enforcement  
6 system, or automated traffic law violations against a person in  
7 a proceeding. Upon commencement of the action, the municipality  
8 or county shall file a certified copy or record of the final  
9 determination of parking, standing, compliance, automated  
10 speed enforcement system, or automated traffic law violation,  
11 which shall be accompanied by a certification that recites  
12 facts sufficient to show that the final determination of  
13 violation was issued in accordance with this Section and the  
14 applicable municipal or county ordinance. Service of the  
15 summons and a copy of the petition may be by any method  
16 provided by Section 2-203 of the Code of Civil Procedure or by  
17 certified mail, return receipt requested, provided that the  
18 total amount of fines and penalties for final determinations of  
19 parking, standing, compliance, automated speed enforcement  
20 system, or automated traffic law violations does not exceed  
21 \$2500. If the court is satisfied that the final determination  
22 of parking, standing, compliance, automated speed enforcement  
23 system, or automated traffic law violation was entered in  
24 accordance with the requirements of this Section and the  
25 applicable municipal or county ordinance, and that the  
26 registered owner or the lessee, as the case may be, had an

1 opportunity for an administrative hearing and for judicial  
2 review as provided in this Section, the court shall render  
3 judgment in favor of the municipality or county and against the  
4 registered owner or the lessee for the amount indicated in the  
5 final determination of parking, standing, compliance,  
6 automated speed enforcement system, or automated traffic law  
7 violation, plus costs. The judgment shall have the same effect  
8 and may be enforced in the same manner as other judgments for  
9 the recovery of money.

10 (g) The fee for participating in a traffic education  
11 program under this Section shall not exceed \$25.

12 A low-income individual required to complete a traffic  
13 education program under this Section who provides proof of  
14 eligibility for the federal earned income tax credit under  
15 Section 32 of the Internal Revenue Code or the Illinois earned  
16 income tax credit under Section 212 of the Illinois Income Tax  
17 Act shall not be required to pay any fee for participating in a  
18 required traffic education program.

19 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;  
20 revised 1-21-20.)

21 Section 15-65. The Counties Code is amended by changing  
22 Section 5-1035.1 as follows:

23 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

24 Sec. 5-1035.1. County Motor Fuel Tax Law.

1 (a) The county board of the counties of DuPage, Kane, ~~Lake,~~  
2 ~~Will,~~ and McHenry may, by an ordinance or resolution adopted by  
3 an affirmative vote of a majority of the members elected or  
4 appointed to the county board, impose a tax upon all persons  
5 engaged in the county in the business of selling motor fuel, as  
6 now or hereafter defined in the Motor Fuel Tax Law, at retail  
7 for the operation of motor vehicles upon public highways or for  
8 the operation of recreational watercraft upon waterways. The  
9 collection of a tax under this Section based on gallonage of  
10 gasoline used for the propulsion of any aircraft is prohibited,  
11 and the collection of a tax based on gallonage of special fuel  
12 used for the propulsion of any aircraft is prohibited on and  
13 after December 1, 2019. Kane County may exempt diesel fuel from  
14 the tax imposed pursuant to this Section. The ~~initial~~ tax ~~rate~~  
15 ~~may not be less than~~ be imposed, in half-cent increments, at a  
16 rate not exceeding 4 cents per gallon of motor fuel sold at  
17 retail within the county for the purpose of use or consumption  
18 and not for the purpose of resale ~~and may not exceed 8 cents~~  
19 ~~per gallon of motor fuel sold at retail within the county for~~  
20 ~~the purpose of use or consumption and not for the purpose of~~  
21 ~~resale~~. The proceeds from the tax shall be used by the county  
22 solely for the purposes of operating, constructing, and  
23 improving public highways and waterways and acquiring real  
24 property and rights-of-way for public highways and waterways  
25 within the county imposing the tax.

26 ~~(a 5) By June 1, 2020, and by June 1 of each year~~



1 ~~thereafter, the Department of Revenue shall determine an annual~~  
2 ~~rate increase to take effect on July 1 of that calendar year~~  
3 ~~and continue through June 30 of the next calendar year. Not~~  
4 ~~later than June 1 of each year, the Department of Revenue shall~~  
5 ~~publish on its website the rate that will take effect on July 1~~  
6 ~~of that calendar year. The rate shall be equal to the rate in~~  
7 ~~effect increased by an amount equal to the percentage increase,~~  
8 ~~if any, in the Consumer Price Index for All Urban Consumers for~~  
9 ~~all items, published by the United States Department of Labor~~  
10 ~~for the 12 months ending in March of each year. The rate shall~~  
11 ~~be rounded to the nearest one-tenth of one cent. Each new rate~~  
12 ~~may not exceed the rate in effect on June 30 of the previous~~  
13 ~~year plus one cent.~~

14 (b) A tax imposed pursuant to this Section, and all civil  
15 penalties that may be assessed as an incident thereof, shall be  
16 administered, collected, and enforced by the Illinois  
17 Department of Revenue in the same manner as the tax imposed  
18 under the Retailers' Occupation Tax Act, as now or hereafter  
19 amended, insofar as may be practicable; except that in the  
20 event of a conflict with the provisions of this Section, this  
21 Section shall control. The Department of Revenue shall have  
22 full power: to administer and enforce this Section; to collect  
23 all taxes and penalties due hereunder; to dispose of taxes and  
24 penalties so collected in the manner hereinafter provided; and  
25 to determine all rights to credit memoranda arising on account  
26 of the erroneous payment of tax or penalty hereunder.

1           (b-5) Persons subject to any tax imposed under the  
2 authority granted in this Section may reimburse themselves for  
3 their seller's tax liability hereunder by separately stating  
4 that tax as an additional charge, which charge may be stated in  
5 combination, in a single amount, with State tax which sellers  
6 are required to collect under the Use Tax Act, pursuant to such  
7 bracket schedules as the Department may prescribe.

8           (c) Whenever the Department determines that a refund shall  
9 be made under this Section to a claimant instead of issuing a  
10 credit memorandum, the Department shall notify the State  
11 Comptroller, who shall cause the order to be drawn for the  
12 amount specified, and to the person named, in the notification  
13 from the Department. The refund shall be paid by the State  
14 Treasurer out of the County Option Motor Fuel Tax Fund.

15           (d) The Department shall forthwith pay over to the State  
16 Treasurer, ex officio, as trustee, all taxes and penalties  
17 collected hereunder, which shall be deposited into the County  
18 Option Motor Fuel Tax Fund, a special fund in the State  
19 Treasury which is hereby created. On or before the 25th day of  
20 each calendar month, the Department shall prepare and certify  
21 to the State Comptroller the disbursement of stated sums of  
22 money to named counties for which taxpayers have paid taxes or  
23 penalties hereunder to the Department during the second  
24 preceding calendar month. The amount to be paid to each county  
25 shall be the amount (not including credit memoranda) collected  
26 hereunder from retailers within the county during the second

1 preceding calendar month by the Department, but not including  
2 an amount equal to the amount of refunds made during the second  
3 preceding calendar month by the Department on behalf of the  
4 county; less 2% of the balance, which sum shall be retained by  
5 the State Treasurer to cover the costs incurred by the  
6 Department in administering and enforcing the provisions of  
7 this Section. The Department, at the time of each monthly  
8 disbursement to the counties, shall prepare and certify to the  
9 Comptroller the amount so retained by the State Treasurer,  
10 which shall be transferred into the Tax Compliance and  
11 Administration Fund.

12 (e) Nothing in this Section shall be construed to authorize  
13 a county to impose a tax upon the privilege of engaging in any  
14 business which under the Constitution of the United States may  
15 not be made the subject of taxation by this State.

16 (f) Until January 1, 2020, an ordinance or resolution  
17 imposing a tax hereunder or effecting a change in the rate  
18 thereof shall be effective on the first day of the second  
19 calendar month next following the month in which the ordinance  
20 or resolution is adopted and a certified copy thereof is filed  
21 with the Department of Revenue, whereupon the Department of  
22 Revenue shall proceed to administer and enforce this Section on  
23 behalf of the county as of the effective date of the ordinance  
24 or resolution.

25 On and after January 1, 2020, an ordinance or resolution  
26 imposing or discontinuing the tax hereunder or effecting a

1 change in the rate thereof shall either: (i) be adopted and a  
2 certified copy thereof filed with the Department on or before  
3 the first day of April, whereupon the Department shall proceed  
4 to administer and enforce this Section as of the first day of  
5 July next following the adoption and filing; or (ii) be adopted  
6 and a certified copy thereof filed with the Department on or  
7 before the first day of October, whereupon the Department shall  
8 proceed to administer and enforce this Section as of the first  
9 day of January next following the adoption and filing.

10 (g) This Section shall be known and may be cited as the  
11 County Motor Fuel Tax Law.

12 (Source: P.A. 101-10, eff. 6-5-19; 101-32, eff. 6-28-19;  
13 101-275, eff. 8-9-19; 101-604, eff. 12-13-19.)

14 (20 ILCS 2705/2705-615 rep.)

15 Section 15-100. The Department of Transportation Law of the  
16 Civil Administrative Code of Illinois is amended by repealing  
17 Section 2705-615, as added by Public Act 101-32.

18 Article 99.

19 Section 99-1. Effective date. This Act takes effect upon  
20 becoming law.

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16 5 ILCS 430/5-45  
17 20 ILCS 301/5-20  
18 20 ILCS 1605/9.1  
19 20 ILCS 2505/2505-305 was 20 ILCS 2505/39b15.1  
20 30 ILCS 105/6z-45  
21 35 ILCS 5/201 from Ch. 120, par. 2-201  
22 35 ILCS 5/303 from Ch. 120, par. 3-303  
23 35 ILCS 5/304 from Ch. 120, par. 3-304  
24 35 ILCS 5/710 from Ch. 120, par. 7-710  
25 70 ILCS 1825/5.1 from Ch. 19, par. 255.1  
26 205 ILCS 670/12.5

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| 1  | 230 ILCS 5/3.32 rep. |                          |
| 2  | 230 ILCS 5/3.33 rep. |                          |
| 3  | 230 ILCS 5/3.34 rep. |                          |
| 4  | 230 ILCS 5/3.35 rep. |                          |
| 5  | 230 ILCS 5/19.5 rep. |                          |
| 6  | 230 ILCS 5/34.3 rep. |                          |
| 7  | 230 ILCS 5/56 rep.   |                          |
| 8  | 230 ILCS 5/1.2       |                          |
| 9  | 230 ILCS 5/3.11      | from Ch. 8, par. 37-3.11 |
| 10 | 230 ILCS 5/3.12      | from Ch. 8, par. 37-3.12 |
| 11 | 230 ILCS 5/6         | from Ch. 8, par. 37-6    |
| 12 | 230 ILCS 5/9         | from Ch. 8, par. 37-9    |
| 13 | 230 ILCS 5/15        | from Ch. 8, par. 37-15   |
| 14 | 230 ILCS 5/18        | from Ch. 8, par. 37-18   |
| 15 | 230 ILCS 5/19        | from Ch. 8, par. 37-19   |
| 16 | 230 ILCS 5/20        | from Ch. 8, par. 37-20   |
| 17 | 230 ILCS 5/21        | from Ch. 8, par. 37-21   |
| 18 | 230 ILCS 5/24        | from Ch. 8, par. 37-24   |
| 19 | 230 ILCS 5/25        | from Ch. 8, par. 37-25   |
| 20 | 230 ILCS 5/26        | from Ch. 8, par. 37-26   |
| 21 | 230 ILCS 5/26.8      |                          |
| 22 | 230 ILCS 5/26.9      |                          |
| 23 | 230 ILCS 5/27        | from Ch. 8, par. 37-27   |
| 24 | 230 ILCS 5/29        | from Ch. 8, par. 37-29   |
| 25 | 230 ILCS 5/30        | from Ch. 8, par. 37-30   |
| 26 | 230 ILCS 5/30.5      |                          |



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| 1  | 230 ILCS 5/31         | from Ch. 8, par. 37-31    |
| 2  | 230 ILCS 5/31.1       | from Ch. 8, par. 37-31.1  |
| 3  | 230 ILCS 5/32.1       |                           |
| 4  | 230 ILCS 5/36         | from Ch. 8, par. 37-36    |
| 5  | 230 ILCS 5/40         | from Ch. 8, par. 37-40    |
| 6  | 230 ILCS 5/54.75      |                           |
| 7  | 230 ILCS 10/5.3 rep.  |                           |
| 8  | 230 ILCS 10/7.7 rep.  |                           |
| 9  | 230 ILCS 10/7.8 rep.  |                           |
| 10 | 230 ILCS 10/7.10 rep. |                           |
| 11 | 230 ILCS 10/7.11 rep. |                           |
| 12 | 230 ILCS 10/7.12 rep. |                           |
| 13 | 230 ILCS 10/7.13 rep. |                           |
| 14 | 230 ILCS 10/7.14 rep. |                           |
| 15 | 230 ILCS 10/7.15 rep. |                           |
| 16 | 230 ILCS 10/1         | from Ch. 120, par. 2401   |
| 17 | 230 ILCS 10/2         | from Ch. 120, par. 2402   |
| 18 | 230 ILCS 10/3         | from Ch. 120, par. 2403   |
| 19 | 230 ILCS 10/4         | from Ch. 120, par. 2404   |
| 20 | 230 ILCS 10/5         | from Ch. 120, par. 2405   |
| 21 | 230 ILCS 10/5.1       | from Ch. 120, par. 2405.1 |
| 22 | 230 ILCS 10/6         | from Ch. 120, par. 2406   |
| 23 | 230 ILCS 10/7         | from Ch. 120, par. 2407   |
| 24 | 230 ILCS 10/7.3       |                           |
| 25 | 230 ILCS 10/7.5       |                           |
| 26 | 230 ILCS 10/8         | from Ch. 120, par. 2408   |

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| 1  | 230 ILCS 10/9    | from Ch. 120, par. 2409   |
| 2  | 230 ILCS 10/11   | from Ch. 120, par. 2411   |
| 3  | 230 ILCS 10/11.1 | from Ch. 120, par. 2411.1 |
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| 7  | 230 ILCS 10/17   | from Ch. 120, par. 2417   |
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| 9  | 230 ILCS 10/18   | from Ch. 120, par. 2418   |
| 10 | 230 ILCS 10/18.1 |                           |
| 11 | 230 ILCS 10/19   | from Ch. 120, par. 2419   |
| 12 | 230 ILCS 10/20   | from Ch. 120, par. 2420   |
| 13 | 230 ILCS 10/24   |                           |
| 14 | 230 ILCS 40/5    |                           |
| 15 | 230 ILCS 40/15   |                           |
| 16 | 230 ILCS 40/20   |                           |
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| 19 | 230 ILCS 40/35   |                           |
| 20 | 230 ILCS 40/45   |                           |
| 21 | 230 ILCS 40/55   |                           |
| 22 | 230 ILCS 40/58   |                           |
| 23 | 230 ILCS 40/60   |                           |
| 24 | 230 ILCS 40/79   |                           |
| 25 | 230 ILCS 40/80   |                           |
| 26 | 235 ILCS 5/5-1   | from Ch. 43, par. 115     |

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| 1  | 235 ILCS 5/6-30         | from Ch. 43, par. 144f      |
| 2  | 305 ILCS 5/10-17.15     |                             |
| 3  | 430 ILCS 66/65          |                             |
| 4  | 720 ILCS 5/28-1.1       | from Ch. 38, par. 28-1.1    |
| 5  | 720 ILCS 5/28-2         | from Ch. 38, par. 28-2      |
| 6  | 720 ILCS 5/28-7         | from Ch. 38, par. 28-7      |
| 7  | 815 ILCS 122/3-5        |                             |
| 8  | 815 ILCS 420/2          | from Ch. 121 1/2, par. 1852 |
| 9  | 30 ILCS 105/5.490a new  |                             |
| 10 | 230 ILCS 5/2.1a new     |                             |
| 11 | 230 ILCS 5/54a new      |                             |
| 12 | 30 ILCS 178/Act rep.    |                             |
| 13 | 35 ILCS 105/9           | from Ch. 120, par. 439.9    |
| 14 | 35 ILCS 110/9           | from Ch. 120, par. 439.39   |
| 15 | 35 ILCS 110/9           | from Ch. 120, par. 439.39   |
| 16 | 35 ILCS 120/3           | from Ch. 120, par. 442      |
| 17 | 35 ILCS 505/2           | from Ch. 120, par. 418      |
| 18 | 35 ILCS 505/8           | from Ch. 120, par. 424      |
| 19 | 35 ILCS 505/8b rep.     |                             |
| 20 | 65 ILCS 5/8-11-2.3 rep. |                             |
| 21 | 625 ILCS 5/3-805        | from Ch. 95 1/2, par. 3-805 |
| 22 | 625 ILCS 5/3-806        | from Ch. 95 1/2, par. 3-806 |
| 23 | 625 ILCS 5/3-815        | from Ch. 95 1/2, par. 3-815 |
| 24 | 625 ILCS 5/3-815.1      |                             |
| 25 | 625 ILCS 5/3-818        | from Ch. 95 1/2, par. 3-818 |
| 26 | 625 ILCS 5/3-819        | from Ch. 95 1/2, par. 3-819 |

- 1 625 ILCS 5/3-821 from Ch. 95 1/2, par. 3-821
- 2 30 ILCS 105/5.891 rep.
- 3 30 ILCS 105/5.893 rep.
- 4 30 ILCS 105/5.894 rep.
- 5 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3
- 6 55 ILCS 5/5-1035.1 from Ch. 34, par. 5-1035.1
- 7 20 ILCS 2705/2705-615 rep.